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**THE**

**CONSTITUTION**

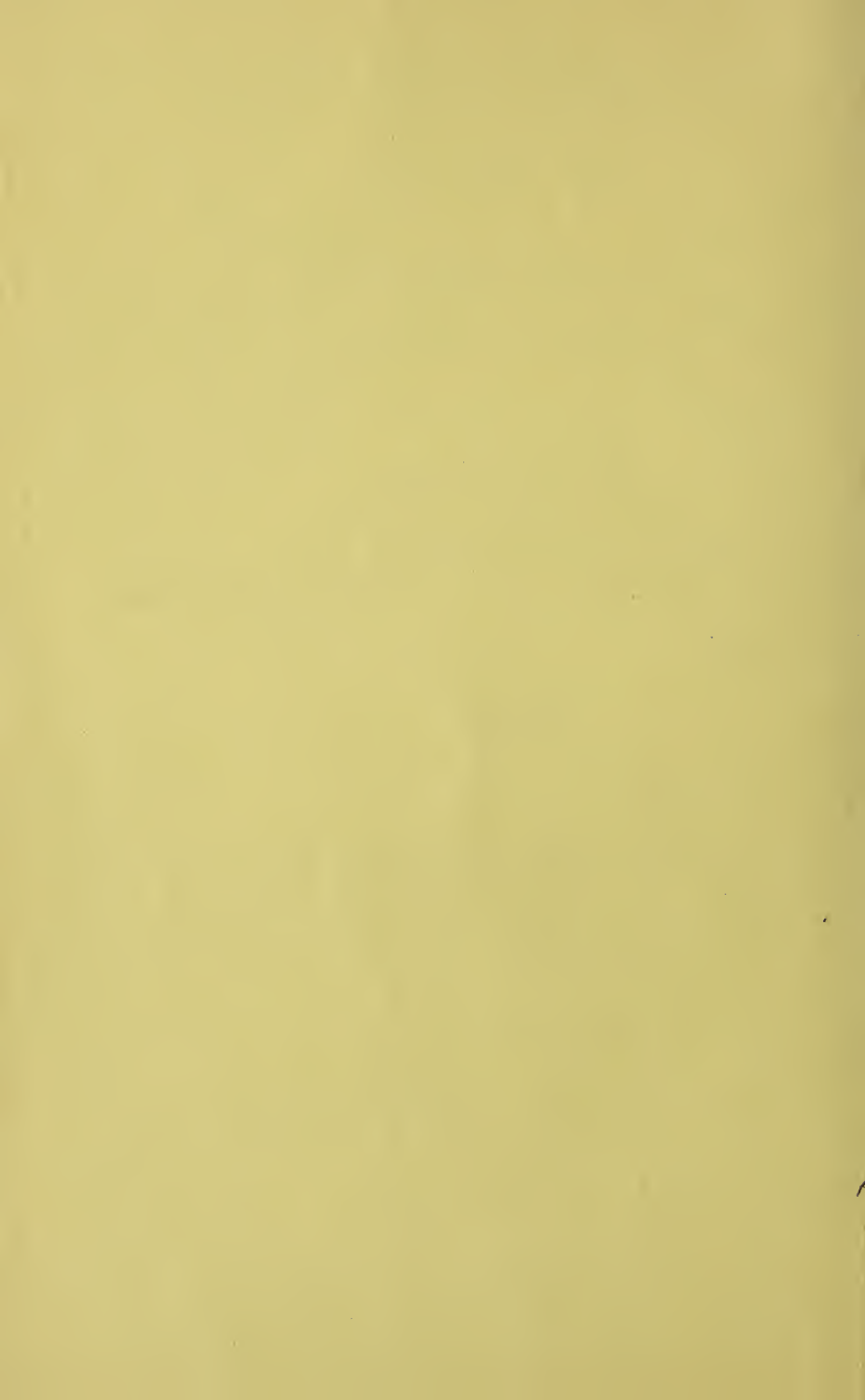
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THE  
CONSTITUTION  
OF  
OKLAHOMA





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# Constitution of Oklahoma

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## PREAMBLE.

Invoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this Constitution.

## ARTICLE 1.

### Federal Relations.

Section 1. The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

Sec. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; but the toleration of religious sentiment hereby secured shall not be so construed as to excuse acts of licentiousness or indecency, or to justify practices inconsistent with the good morals, good order, peace, or safety of the State, or with the rights of others; and no religious test shall be required for the exercise of civil or political rights. Polygamous or plural marriages are forever prohibited.

Sec. 3. The people inhabiting the State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian, tribe or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal and control of the United States. Land belonging to citizens of the United States residing without the limits of the State shall never be taxed at a higher rate than the land belonging to residents thereof. No taxes shall be imposed by the State on lands or property belonging to or which may here-

after be purchased by the United States or reserved for its use.

Sec. 4. The debts and liabilities of the Territory of Oklahoma are hereby assumed and shall be paid by the State.

Sec. 5. Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: Provided, That nothing herein shall preclude the teaching of other languages in said public schools: And Provided Further, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.

Sec. 6. The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Sec. 7. The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of the State, heretofore known as the Indian Territory and the Osage Indian Reservation and within any other parts of the State which existed as Indian reservations on the first day of January, Nineteen Hundred and Six, is prohibited for a period of twenty-one years from the date of the admission of the State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper state legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of the State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of the State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: Provided, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in the portions of the State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of the State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of the State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statements shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register

thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which, after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions, shall be punished by imprisonment for not less than one year and one day. Upon the admission of the State into the Union these provisions shall be immediately enforceable in the courts of the State.

## ARTICLE 2.

### Bill of Rights.

Section 1. All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, Such change be not repugnant to the Constitution of the United States.

Sec. 2. All persons have the inherent right to life, liberty, and pursuit of happiness, and the enjoyment of the gains of their own industry.

Sec. 3. The people have the right peaceably to assemble for their own good, and to apply to those invested with the powers of government for redress of grievances by petition, address, or remonstrance.

Sec. 4. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage by those entitled to such right.

Sec. 5. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

Sec. 6. The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

Sec. 7. No person shall be deprived of life, liberty, or property, without due process of law.

Sec. 8. All persons shall be bailable by sufficient sureties except for capital offenses when the proof of guilt is evident, or the presumption thereof is great.

Sec. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 10. The privileges of the writ of habeas corpus shall never be suspended.

Sec. 11. Every person elected or appointed to any office or employment of trust or profit under the laws of the State, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed.

Sec. 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other state, or of the United States, shall be eligible to any office of trust or profit under the laws of this State.

Sec. 13. Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

Sec. 14. The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Sec. 15. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: Provided, That this provision shall not be construed to prohibit the imposition of pecuniary penalties.

Sec. 16. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 17. No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.

Sec. 18. A grand jury shall be composed of twelve men, any nine of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by one hundred resident tax payers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the Legislature may prescribe: Provided, That the Legislature may make the calling of a grand jury compulsory.

Sec. 19. The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve men; but, in county courts and courts not of record, a jury shall consist of six men. This section shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than twenty dollars. In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.

Sec. 20. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed: Provided, That the venue may be changed to some other county of the State, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their postoffice addresses.

Sec. 21. No person shall be compelled to give evidence which will tend



to incriminate him, except as in this Constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.

Sec. 22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 23. No private property shall be taken or damaged for private use, with or without compensation, unless by consent of the owner, except for private ways of necessity, or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

Sec. 24. Private property shall not be taken or damaged for public use without just compensation. Such compensation, irrespective of any benefit from any improvements proposed, shall be ascertained by a board of commissioners of not less than three free-holders, in such manner as may be prescribed by law. The commissioners shall not be appointed by any judge or court without reasonable notice having been served upon all parties in interest. The commissioners shall be selected from the regular jury list of names prepared and made as the Legislature shall provide. Any party aggrieved shall have the right of appeal, without bond, and trial by jury in a court of record. Until the compensation shall be paid to the owner, or into court for the owner, the property shall not be disturbed, or the proprietary rights of the owner divested. When possession is taken of property condemned for any public use, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of such compensation. The fee of land taken by common carriers for right of way, without the consent of the owner, shall remain in such owner subject only to the use for which it is taken. In all cases of condemnation of private property for public or private use, the determination of the character of the use shall be a judicial question.

Sec. 25. The Legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: Provided, That any person accused of violating or disobeying any order or injunction, or restraint, made or rendered by any court or judge of the State shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.

Sec. 26. The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons.

Sec. 27. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State, shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the State;

but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence.

Sec. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitatorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this Bill of Rights secured to the persons, inhabitants, and citizens thereof.

Sec. 29. No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime, to other states for the purpose of incarceration.

Sec. 30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.

Sec. 31. The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

Sec. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 33. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

## ARTICLE 3.

### Suffrage.

Section 1. The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of twenty-one years, who have resided in the State one year, in the county six months, and in the election precinct thirty days, next preceding the election at which any such elector offers to vote: Provided; That no person adjudged guilty of a felony after the adoption of this Constitution, subject to such exceptions as the Legislature may prescribe, unless his citizenship shall have been restored in the manner provided by law; nor any person, while kept in a poor-house or other asylum at the public expense, except Federal and Confederate ex-soldiers: nor any person in a public prison, nor any idiot or lunatic, shall be entitled to vote at any election under the laws of this State.

Sec. 2. The Legislature may make additional limitations on the right of suffrage and may add additional disabilities thereto, but in no event shall the Legislature change the qualifications or disabilities herein mentioned: Provided, That the Legislature shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Sec. 3. No officer, soldier, or marine of the regular Army or Navy of the United States shall be entitled to vote at any election in this State: Provided, That this section shall not be construed to include members and officers of the State Militia.

Sec. 4. Nothing in this Constitution shall be construed to deprive retired officers or retired privates of the Army or Navy of the United States of the right of suffrage, when otherwise qualified.

Sec. 5. Until otherwise provided by law, all female citizens of this State, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings.

#### Primary Elections.

Section 1. The Legislature shall enact laws creating an election board (not more than a majority of whose members shall be selected from the same political party), and shall provide the time and manner of holding and conducting all elections; and, at any time the federal Constitution may permit the election of United States Senators by direct vote of the people, the Legislature shall provide for their election as for the election of Governor and other elective officers.

Sec. 2. The Legislature shall enact laws providing for a mandatory primary system, which shall provide for the nomination of all candidates in all elections for State, District, County, and Municipal officers, for all political parties, including United States Senators: Provided, however, this provision shall not exclude the right of the people to place on the ballot by petition any non-partisan candidate.

Sec. 3. In all elections by the people the vote shall be by ballot to be used and make all such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot; and may, when necessary, provide, by law for the registration of electors throughout the State or in any incorporated city or town thereof, and, when it is so provided, no person shall vote at any election unless he shall have registered according to law.

Sec. 4. The election shall be free and equal. No power, civil, or military, shall ever interfere to prevent the free exercise of the right of suffrage, and electors shall, in all cases, except for treason, felony, and breach of the peace, be privileged from arrest during their attendance on elections and while going to and from the same.

#### ARTICLE 4.

##### Distribution of Powers.

Section 1. The powers of the government of the State of Oklahoma shall be divided into three separate departments: the Legislative, Executive, and judicial; and except as provided in this Constitution, the Legislative, Executive, and Judicial departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others.

#### ARTICLE 5.

##### LEGISLATIVE DEPARTMENT.

##### The Initiative and Referendum.

Section 1. The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws, and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act of the Legislature.

Sec. 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any Legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws



necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the state office receiving the highest number of votes at such election.

Sec. 3. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be at the next election held throughout the State, except when the Legislature or the Governor shall order a special election for the express purpose of making such reference. Any measure referred to the people shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be It Enacted by the People of the State of Oklahoma." Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State and addressed to the Governor of the State, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article; and, if the Legislature shall fail to make such provisions, or shall make inadequate provisions, then the Governor of the State shall, by executive order, make such rules as may be necessary to carry these provisions into effect.

Sec. 4. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of such act from becoming operative.

Sec. 5. The powers of the initiative and referendum reserved to the people by this Constitution for the State at large, are hereby further reserved to the legal voters of every county and district therein, as to all local and special legislation and action in the administration of county and district government in and for their respective counties and districts. .

The manner of exercising said powers shall be prescribed by general laws, except that Boards of County Commissioners may provide for the time of exercising the initiative and referendum powers as to local legislation in their respective counties and districts.

The requisite number of petitioners for the invocation of the initiative and referendum in counties and districts shall bear twice, or double, the ratio to the whole number of legal voters in such county or district, as herein provided therefor in the State at large.

Sec. 6. Any measure rejected by the people, through the powers of the initiative and referendum, cannot be again proposed by the initiative within three years thereafter by less than twenty-five per centum of the legal voters.

Sec. 7. The reservation of the powers of the initiative and referendum in this article shall not deprive the Legislature of the right to propose or pass any measure, which may be consistent with the Constitution of the State and the Constitution of the United States.

Sec. 8. Laws shall be provided to prevent corruption in making, procuring, and submitting initiative and referendum petitions.



**The Legislature—Number of Members.**

Sec. 9. The Senate shall consist of not more than forty-one members, whose term of office shall be four years: Provided, That senators elected at the first election from the even numbered districts shall hold office until the fifteenth day succeeding the day of the regular State election in nineteen hundred and eight, and those elected from the odd numbered districts at said first election shall hold office until the fifteenth day succeeding the day of the regular State election in nineteen hundred and ten.

Sec. 10. The House of Representatives, until otherwise provided by law, shall consist of not more than one hundred and five members, who shall hold office for two years: Provided, That representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular State election in nineteen hundred and eight: Provided, Further, That the membership of the House of Representatives shall never exceed one hundred and twenty-three members.

The first Legislature shall meet at the seat of government upon proclamation of the Governor on a day named in said proclamation, which shall not be more than thirty nor less than fifteen days after the admission of the State into the Union.

**Legislative Apportionment.**

Sec. 11. The State is hereby divided into thirty-two Senatorial Districts, each of which shall be composed of the counties as named, shall be numbered and elect Senators as follows, namely:

First: Beaver, Cimarron, Harper, and Texas—One Senator. Second: Woods and Woodward—One Senator. Third: Beckham, Dewey, Ellis and Roger Mills—Two Senators. Fourth: Greer—One Senator. Fifth: Jackson and Tillman—One Senator. Sixth: Custer, Kiowa, and Washita—Two Senators. Seventh: Alfalfa, Blaine, and Major—One Senator. Eighth: Garfield—One Senator. Ninth: Grant and Kay—One Senator. Tenth: Osage, Noble, and Pawnee—One Senator. Eleventh: Creek and Payne—One Senator. Twelfth: Kingfisher and Logan—One Senator. Thirteenth: Lincoln and Pottawatomie—Two Senators. Fourteenth: Canadian and Oklahoma—Two Senators. Fifteenth: Caddo and Grady—Two Senators. Sixteenth: Comanche—One Senator. Seventeenth: Jefferson and Stephens—One Senator. Eighteenth: Carter, Love, and Murray—Two Senators. Nineteenth: Cleveland, Garvin, and McClain—Two Senators. Twentieth: Atoka, Bryan, and Coal—Two Senators. Twenty-first: Johnston and Marshall—One Senator. Twenty-second: Hughes and Okfuskee—One Senator. Twenty-third: Pontotoc and Seminole—One Senator. Twenty-fourth: Choctaw, McCurtain, and Pushmataha—One Senator. Twenty-fifth: Pittsburg—One Senator. Twenty-sixth: Latimer and LeFlore—One Senator. Twenty-seventh: Haskell, McIntosh, and Muskogee—Two Senators. Twenty-eighth: Adair, Delaware, and Sequoyah—One Senator. Twenty-ninth: Cherokee, Mayes, and Rogers—One Senator. Thirtieth: Craig, Ottawa, and Nowata—One Senator. Thirty-first: Tulsa and Washington—One Senator. Thirty-second: Okmulgee and Wagoner—One Senator.

Sec. 12. The following counties shall each elect one member to the House of Representatives: Adair, Alfalfa, Atoka, Beaver, Blaine, Canadian, Cherokee, Choctaw, Cleveland, Coal, Craig, Custer, Delaware, Dewey, Ellis, Grant, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Latimer, LeFlore, Love, Major, Marshall, Mayes, Creek, Murray, McClain, McCurtain, McIntosh, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pontotoc, Pushmataha, Rogers, Roger Mills, Seminole, Sequoyah, Stephens, Tillman, Tulsa, Wagoner, Washington, Woods, Woodward, and Cimarron and Texas jointly one.

Sec. 13. The following counties shall each elect two members to the House of Representatives: Beckham, Bryan, Caddo, Carter, Comanche, Garvin, Grady, Kiowa, Muskogee, Pittsburg and Washita.

Garfield with two members pro rated as follows: District One—The townships of McKinley, Kremlin, Keowee, North Enid, Banner, Hobart, Logan, Garland, City of Enid, including all towns and cities therein.

District Two: All that part of Garfield County not contained in District One.

Greer with two members pro rated as follows: District One—All that part of Greer County lying East of the line between Ranges 23 and 24.

District Two: All that part of Greer County not contained in District One.

Lincoln with two members pro rated as follows: District One—The townships of Pawnee, Ponca, North Fox, South Fox, North Keokuk, South Keokuk, North Creek, South Creek, North Seminole, South Seminole, North Choctaw, South Choctaw, and South Wichita, with all towns and cities contained therein.

District Two: All that part of Lincoln County not contained in District One.

Logan with two members pro rated as follows: District One—The townships of Orlando, Bismarck, Marshall, Oak View, Rose Hill, Mulhall, Lowrie, Woodland, Crescent, Cedar, Iron Mound, Spring Creek, Seward, and Springer, with all towns and cities contained therein.

District Two: All that part of Logan County not contained in District One.

Sec. 14. The following counties shall elect three members each: Oklahoma and Pottawatomie.

Oklahoma with three members pro rated as follows: District One—The townships of Oklahoma, Greely, and Oklahoma City, with all towns and cities contained therein, two members.

District Two: All that part of Oklahoma County not contained in District One, one member.

Sec. 15. The following pairs of counties shall compose additional legislative district and each district shall elect one member of the House of Representatives: Johnston and Coal; Bryan and Atoka; Pontotoc and Seminole; Muskogee and Haskell; Pittsburg and Hughes; Comanche and Stephens; Roger Mills and Custer; Cleveland and Canadian; Kay and Osage; Payne and Pawnee; Tillman and Jackson; and the counties of Craig, Rogers and Tulsa, one.

Sec. 16. The Legislature shall have power, at its first regular session, after each federal census, to re-apportion the several counties of the State into Representative and Senatorial Districts. When any Senatorial District shall embrace more than one county, the counties shall be contiguous, and the Districts shall be as nearly equal in population as may be: Provided, That each organized county shall always have one representative, and that no county shall ever take part in the election of more than four Representatives and two Senators.

#### Qualifications and Rights of Members.

Sec. 17. Members of the Senate shall be at least twenty-five years of age, and members of the House of Representatives twenty-one years of age at the time of their election. They shall be qualified electors in their respective counties or districts and shall reside in their respective counties or districts during their term of office.

Sec. 18. No person shall serve as a member of the Legislature who is,

at the time of such service, an officer of the United States or State Government, or is receiving compensation as such; nor shall any person be eligible to election to the Legislature, who has been adjudged guilty of a felony.

Sec. 19. A member of the Legislature expelled for corruption shall not thereafter be eligible to membership in either House. Punishment for contempt or disorderly conduct, or for any other cause, shall not bar an indictment for the same offense.

Sec. 20. The Governor shall issue writs of election to fill such vacancies as may occur in the Legislature.

Sec. 21. Members of the Legislature shall receive six dollars per diem for their services during the session of the Legislature, and ten cents per mile for every mile of necessary travel in going to and returning from the place of meeting of the Legislature, on the most usual route, and shall receive no other compensation: Provided, That members of the Legislature, except during the first session thereof held under this Constitution, shall receive only two dollars per diem for their services after sixty days of such session have elapsed.

Sec. 22. Senators and Representatives shall, except for treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going and returning from the same and, for any speech or debate in either House shall not be questioned in any other place.

Sec. 23. No member of the Legislature shall, during the term for which he was elected, be appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office, nor shall any member receive any appointment from the Governor, the Governor and Senate, or from the Legislature, during the term for which he shall have been elected, nor shall any member, during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof authorized by law passed during the term for which he shall have been elected.

Sec. 24. A member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

#### Sessions of Legislature.

Sec. 25. The first session of the Legislature, held by virtue of this Constitution, shall not exceed one hundred and sixty days.

Sec. 26. The members of the Legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at twelve o'clock, noon, in the year next succeeding their election, or upon such other day as may be provided by law.

Sec. 27. The Legislature shall hold regular biennial sessions as herein provided, but this shall not prevent the calling of a special session of the Legislature by the Governor.

#### Organization and Rules.

Sec. 28. The Senate shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall preside over its deliberations in the absence or place of the Lieutenant Governor, and the Senate shall provide for all its standing committees and, by a majority vote, elect the members thereof.

Sec. 29. The House of Representatives, at the beginning of each regular session and at such other times as may be necessary, elect one of its members Speaker.



Sec. 30. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalty as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either House on any question at the desire of one-fifteenth of those present, shall be entered upon its journal.

Neither House, during the session of the Legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 31. In all elections made by the Legislature, except for officers and employees thereof, the members thereof shall vote yea or nay, and each vote shall be entered upon the journal.

Sec. 32. No special or local law shall be considered by the Legislature until notice of the intended introduction of such bill or bills shall first have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected by such law, stating in substance the contents thereof, and verified proof of such publication filed with the Secretary of State.

Sec. 33. All bills for raising revenue shall originate in the House of Representatives. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

Sec. 34. Every bill shall be read on three different days in each House, and no bill shall become a law unless, on its final passage, it be read at length, and no law shall be passed unless upon a vote of a majority of all the members elected to each House in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

Sec. 35. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, immediately after the same shall have been publicly read at length, and the fact of reading and signing shall be entered upon the journal, but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which vote, by yeas and nays, shall also be entered upon the journal.

#### **Powers and Duties.**

Sec. 36. The authority of the Legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this Constitution, upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever.

Sec. 37. The Legislature shall have the power to establish a state printing plant, and to provide for the election or appointment of a State Printer.

Sec. 38. The Legislature shall provide for the establishment of a State Geological and Economic Survey.

Sec. 39. The Legislature shall create a Board of Health, Board of Dentistry, Board of Pharmacy, and Pure Food Commission, and prescribe the duties of each. All physicians, dentists, and pharmacists now legally registered and practicing in Oklahoma and Indian Territory shall be eligible to registration in the State of Oklahoma without examination or cost.

Sec. 40. The Legislature shall provide for organizing, disciplining, arming, maintaining, and equipping the Militia of the State.

Sec. 41. The Legislature may enact laws authorizing cities to pension meritorious and disabled firemen.

Sec. 42. In any legislative investigation, either House of the Legislature or any committee thereof, duly authorized by the House creating the same, shall have power to punish as for contempt, disobedience of process, or contumacious or disorderly conduct, and this provision shall also apply to joint sessions of the Legislature, and also to joint committees thereof, when authorized by joint resolution of both Houses.

Sec. 43. The Legislature shall, in the year nineteen hundred and nine and each ten years thereafter, make provision by law for revising, digesting, and promulgating the statutes of the State.

Sec. 44. The Legislature shall define what is an "unlawful combination, monopoly, trust, act, or agreement, in restraint of trade," and enact laws to punish persons engaged in any "unlawful combination, monopoly, trust, act, or agreement, in restraint of trade," or composing any such monopoly, trust, or combination.

Sec. 45. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this Constitution.

#### Limitations.

Sec. 46. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, towns, wards, or school districts

Changing the names of persons or places;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets, or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state;

Vacating roads, town plats, streets, or alleys;

Relating to cemeteries, graveyards, or public grounds not owned by the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating towns, or villages, or changing their charter;

For the opening and conducting of election, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in judicial proceedings or inquiry before the courts, justices of the peace, sheriffs, commissions, arbitrators or other tribunals, or providing or changing the methods for the collection of debts, or the enforcement of judgments, or prescribing the effects of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estate of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

Providing for changes of venue in civil and criminal cases.

Sec. 47. The Legislature shall not retire any officer on pay or part pay, or make any grant to such retiring officer.

Sec. 48. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a Bureau of Immigration in this State.

Sec. 49. The Legislature shall not increase the number of emoluments of its employees, or the employees of either House, except by general law, which shall not take effect during the term at which such increase was made.

Sec. 50. The Legislature shall pass no law exempting any property within this State from taxation, except as otherwise provided in this Constitution.

Sec. 51. The Legislature shall pass no law granting to any association, corporation, or individual any exclusive rights, privileges, or immunities within this State.

Sec. 52. The Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any case of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

Sec. 53. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liabilities, or obligations of any corporation or individual to this State, or any county or other municipal corporation thereof.

#### Miscellaneous Provisions.

Sec. 54. The repeal of a statute shall not revive a statute previously repealed by such statute, nor shall such repeal affect any accrued right, or penalty incurred, nor proceedings begun by virtue of such repealed statute.

Sec. 55. No money shall ever be paid out of the Treasury of this State, nor any of its funds, nor any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 56. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative, and judicial departments of the State, and for interest on the public debt. The salary of no officer or employee of the State, or any subdivision thereof, shall be increased in such bill, nor shall any appropriation be made therein for any such officer or employee, unless his employment and the amount of his salary, shall have been already provided for by law. All other appro-



priations shall be made by separate bills, each embracing but one subject.

Sec. 57. Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length: Provided, That if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the law as may not be expressed in the title thereof.

Sec. 58. No act shall take effect until ninety days after the adjournment of the session at which it was passed, except a general appropriation bill, or unless, in case of emergency to be expressed in the act, the Legislature, by a vote of two-thirds of all members elected to each House, so direct. An emergency measure shall include only such measures as are immediately necessary for the preservation of the public peace, health, or safety, and shall not include the granting of franchises or license to a corporation or individual, to extend longer than one year, nor provision for the purchase or sale of real estate or the renting or encumbrance of real property for a longer term than one year. Emergency measures may be vetoed by the Governor, but such measures so vetoed may be passed by a three-fourths vote of each House to be duly entered on the journal.

Sec. 59. Laws of a general nature shall have a uniform operation throughout the State, and where a general law can be made applicable, no special law shall be enacted.

Sec. 60. The Legislature shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers of the Executive Department, and all commissioners and superintendents, and boards of control of State institutions, and all other officers entrusted with the collection, receipt, custody, or disbursement of the revenue or moneys of the State whatsoever.

## ARTICLE 6.

### Executive Department.

Section 1. The Executive authority of the State shall be vested in a Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, Superintendent of Public Instruction, State Examiner and Inspector, Chief Mine Inspector, Labor Commissioner, Commissioner of Charities and Corrections, Commissioner of Insurance, and other officers provided by law and this Constitution, each of whom shall keep his office and public records, books and papers at the seat of government, and shall perform such duties as may be designated in this Constitution or prescribed by law.

Sec. 2. The Supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Oklahoma."

Sec. 3. No person shall be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, Superintendent of Public Instruction, or State Examiner and Inspector, except a male citizen of the United States, of the age of not less than thirty years, and who shall have been three years next preceding his election, a qualified elector of this State: Provided, That residence in this State shall include the territory now embraced in this State.

Sec. 4. The term of office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General, State Treasurer, State Examiner and Inspector, and Superintendent of Public Instruction shall be four years from the second Monday of January next after their election.

The Governor, Secretary of State, State Auditor, and State Treasurer shall not be eligible immediately to succeed themselves. The term of State offices chosen at the first election under this Constitution shall begin on the day on which the State is admitted into the Union, and expire on the second Monday of January, in the year nineteen hundred and eleven.

Sec. 5. The returns of every election for all elective State officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each branch of the Legislature, who shall for that purpose assemble in the hall of the House of Representatives. The persons respectively having the highest number of votes for either of the said offices shall be declared duly elected; but in case two or more shall have an equal and the highest number of votes for either of said offices, the Legislature shall, forthwith, by joint ballot choose one of the said persons so having an equal and the highest number of votes for said office.

#### Governor.

Sec. 6. The Governor shall be commander-in-chief of the militia of the State, except when in service of the United States, and may call out the same to execute the laws, protect the public health, suppress insurrection, and repel invasion.

Sec. 7. The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions, no subject shall be acted upon, except such as the Governor may recommend for consideration.

Sec. 8. The Governor shall cause the laws of the State to be faithfully executed, and shall conduct in person or in such manner as may be prescribed by law, all intercourse and business of the State with other states and with the United States, and he shall be a conservator of the peace throughout the State.

Sec. 9. At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two Houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient. He shall also transmit a copy, to each House, of the full report of each State officer and State commission. He shall communicate, from time to time, such matters as he may elect or the Legislature may require.

Sec. 10. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles, and pardons for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole, or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction and the date of commutation, pardon, parole, or reprieve.

Sec. 11. Every bill which shall have passed the Senate and House of Representatives, and every resolution requiring the assent of both branches of the Legislature, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with its objections to the House in which it shall have originated, who shall enter the objections at large in the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that House shall agree to pass the bill or joint resolution, it shall be sent, together with the



objections, to the other House, by which it shall likewise be reconsidered; and, if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the vote in both Houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each House respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within fifteen days after such adjournment.

Sec. 12. Every bill passed by the Legislature, making appropriations of money embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapprove the bill, or any item, or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill shall have originated, but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in the preceding section in reference to other bills: Provided, That this section shall not relieve emergency bills of the requirement of the three-fourths vote.

Sec. 13. The Governor shall commission all officers not otherwise commissioned by law. All commissions shall run in the name and by the authority of the "State of Oklahoma," be signed by the Governor, sealed with the Great Seal of the State of Oklahoma, and attested by the Secretary of State. When any office shall become vacant, he shall, unless otherwise provided by law, appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed, and qualified according to law.

Sec. 14. In case of a disagreement between the two Houses of the Legislature, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him, by the presiding officer of the House first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the Legislature. He may convoke the Legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: Provided, however, that such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the Legislature.

#### **Lieutenant Governor.**

Sec. 15. The Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein, and also in joint vote of both Houses. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die or be absent from the State, or become incapable of performing the duties of the office, the President, pro tempore, of the Senate, shall act as Governor until the vacancy be filled or the disability shall cease; and if the President, pro tempore, of the Senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the House of Representatives shall act as Governor until the vacancy be filled or the disability shall cease. Further provisions for

succession to the office of Governor shall be prescribed by law.

Sec. 16. In case of impeachment of the Governor, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor for the residue of the term or until the disability shall be removed.

#### Secretary of State.

Sec. 17. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either House of the Legislature, when required to do so. He shall also perform such other duties as shall be prescribed by law.

Sec. 18. The Secretary of State shall be the custodian of the Seal of the State, and authenticate therewith all official acts of the Governor, except his approval of laws. The said Seal shall be called "The Great Seal of the State of Oklahoma."

#### State Examiner and Inspector.

Sec. 19. The State Examiner and Inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the State and all County Treasurers' books, accounts and cash on hand or in bank at least twice each year, and publish his report as to every such Treasurer once each year. For the purpose of such examination he shall take complete possession of such Treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all Treasurers. Other duties and powers may be added by law.

#### Commissioner of Labor.

Sec. 20. A Department of Labor is hereby created to be under the control of a Commissioner of Labor to be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

Sec. 21. The Legislature shall create a Board of Arbitration and Conciliation in the Labor Department, and the Commissioner of Labor shall be ex-officio chairman.

#### The Insurance Commissioner.

Sec. 22. There is hereby established an Insurance Department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State.

Sec. 23. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of said department, who shall be styled "The Insurance Commissioner," whose term of office shall be four years: Provided, That the first term of the Insurance Commissioner so elected, shall expire at the time of the expiration of the term of office of the first Governor elected. Said Insurance Commissioner shall be at least twenty-five years of age and well versed in insurance matters.

Sec. 24. The Insurance Commissioner shall give bond, perform such duties, and possess such further qualifications as may be prescribed by law.

#### Chief Mine Inspector.

Sec. 25. The office of Chief Inspector of Mines, Oil, and Gas is hereby created, and the incumbent of said office shall be known as the Chief Mine Inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the Legislature. The Chief Mine Inspector shall perform the duties, take the oath, and execute the bond prescribed by the Legislature.

Sec. 26. The Legislature shall create mining districts and provide for the appointment or election of Assistant Inspectors therein, who shall be under the general control of the Chief Mine Inspector, and the Legislature shall define their qualifications and duties and fix their compensation.

**Commissioner of Charities and Corrections.**

Sec. 27. A Commissioner of Charities and Corrections shall be elected in the same manner, at the same time, and for the same term as shall the Governor. Said officer may be of either sex and shall be twenty-five years of age or over; in all other respects said officer shall have the qualifications which shall be required of the Governor.

Sec. 28. The Commissioner of Charities and Corrections shall have the power, and it is hereby made his or her duty, to investigate the entire system of public charities and corrections, to examine into the condition and management of all prisons, jails, alms houses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages, and all public and private retreats and asylums, which derive their support wholly or in part from the State, or from any county or municipality within the state; and the officers of the various institutions named herein shall promptly upon demand furnish the said Commissioner with such information, relating to their respective institutions, as shall be demanded by said commissioner in writing. The said Commissioner shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The said Commissioner shall have the power to administer oaths to such persons as may be summoned, and to enforce all such powers as are given to notaries public when they are taking depositions. A full report of said investigation, including the testimony, shall be promptly made to the Governor and shall be transmitted by him to the next Legislature with any suggestions which he may desire to make.

Sec. 29. On the first day of October of each year, and at any time on request of the Governor, the said Commissioner shall make a full and complete report of the operations and administration of said office, with such suggestions as said Commissioner may deem suitable and pertinent.

Sec. 30. The Legislature shall have power to alter, amend, or add to the duties of, or grant additional authority, to such Commissioner.

**Board of Agriculture.**

Sec. 31. A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers and shall be elected in manner prescribed by law.

Said Board shall be maintained as a part of the state government, and shall have jurisdiction over all matters affecting Animal Industry and Animal quarantine regulations, and shall be the Board of Regents of all State Agricultural and Mechanical Colleges, and shall discharge such other duties and receive such compensation as may be provided by law.

**Commissioners of the Land Office.**

Sec. 32. The Governor, Secretary of State, State Auditor, Superintendent of Public Instruction, and the President of the Board of Agriculture, shall constitute the Commissioners of the Land Office, who shall have charge of the sale, rental, disposal, and managing of the school lands and other public lands of the State, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the Legislature.

Sec. 33. An account shall be kept by the officers and commissioners of the State of all moneys, and choses in action disbursed or otherwise disposed of severally by them, from all sources, and for every service performed; and a report thereof shall be made semi-annually and as often



as may be required by law, to the Governor under oath. The Governor may, at any time, require information in writing, under oath, from all officers and commissioners of the State, and all officers of State institutions, penal, eleemosynary, educational, and industrial, on any subject relating to their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers; and any officer or manager who, at any time, shall make a false report, shall be punished as by law provided.

Sec. 34. Each of the officers in this article named shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use, any fees, costs, or prerequisites of office or other compensation.

#### Seal of the State.

Sec. 35 In the center shall be a five pointed star, with one ray directed upward. The center of the star shall obtain the central device of the seal of the Territory of Oklahoma including the words "Labor Omnia Vincit." The upper left hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A seven pointed star partially surrounded by a wreath of oak leaves. The ray directed upward shall contain the symbol of the ancient seal of the Chickasaw Nation namely: An Indian warrior standing upright with bow and shield. The lower left hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A sheaf of wheat and a plow. The upper right hand ray shall contain the symbol of the ancient seal of the Choctaw Nation, namely: A tomahawk, bow, and three crossed arrows. The lower right hand ray shall contain the symbol of the ancient seal of the Seminole Nation, namely: A village with houses and a factory beside a lake upon which an Indian is paddling a canoe. Surrounding the central star and grouped between its rays shall be forty-five small stars, divided into five clusters of nine stars each, representing the forty-five states of the Union, to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed, GREAT SEAL OF THE STATE OF OKLAHOMA 1907.

### ARTICLE 7.

#### Judicial Department.

Section 1. The judicial power of this State shall be vested in the Senate, sitting as a court of impeachment, a Supreme Court, District Courts, County Courts, Courts of Justices of the Peace, Municipal Courts, and such other courts, commissions or boards, inferior to the Supreme Court, as may be established by law.

Sec. 2. The appellate jurisdiction of the Supreme Court shall be co-extensive with the State, and shall extend to all civil cases at law and in equity, and to all criminal cases until a Criminal Court of Appeals with exclusive appellate jurisdiction in criminal cases shall be established by law. The original jurisdiction of the Supreme Court shall extend to a general superintending control over all inferior courts and all commissions and boards created by law. The Supreme Court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and such other remedial writs as may be provided by law, and to hear and determine the same; and the Supreme Court may exercise such other and further jurisdiction as may be conferred upon it by law. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the Supreme Court, or before any District Court, or Judge thereof, in the State.

Sec. 3. The Supreme Court shall consist of five Justices until the number shall be changed by law. The State shall be divided into five Supreme Court Judicial Districts until the Legislature shall change the number of members of the Court, at which time the Legislature shall re-district the State to conform to the number of Justices of the Supreme court. From each of said districts, candidates for Justice of the Supreme court shall be nominated by political parties, or by petitioners of the respective districts, in the manner provided by law, and such candidates shall be voted for by the qualified voters of the State at large and no elector at such election shall vote for more than one candidate from each district. The candidate from each district receiving the highest number of votes cast in the State at said election shall be declared the Justice elect in said district. A majority of the members of the Supreme Court shall constitute a quorum, and the concurrence of the majority of said court shall be necessary to decide any question. No person shall be eligible to the office of Justice of the Supreme Court unless he shall be at the time of his election a citizen of the United States and shall have been a resident of the territory embraced within the State for a period of two years, and of the territory comprising the district from which he is elected for a period of one year; and unless he shall have attained the age of thirty years and shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or such judge and lawyer together at least five years. The term of office of the Justices of the Supreme Court shall be six years, except as herein provided. Each member of such court shall be a conservator of the peace throughout the State; and in case of a vacancy in the membership of said court, the Governor shall, by appointment from the district, fill such vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

Sec. 4. The term of office of the Justices of the Supreme Court shall commence on the second Monday of January following their election: Provided, However, That the term of office of the Justices elected at the first election under this Constitution shall commence upon the admission of the State into the Union, and shall continue as hereinafter provided. Those appointed or elected to fill vacancies shall enter upon the discharge of their duties as soon as they qualify.

Sec. 5. The sessions of the Supreme Court shall be held at the seat of government, and the sessions and duration thereof shall be fixed by rule of said court, until fixed by the Legislature; but the first term of the Supreme Court shall be held within ninety days after the admission of the State. The Supreme Court shall render a written opinion in each case within six months after said case shall have been submitted for decision.

Sec. 6. At the first session of the Supreme Court the Justices thereof shall elect one of their number Chief Justice, who shall serve as Chief Justice until the expiration of his term of office, thereafter the Chief Justice shall be elected in the manner provided by law. Of the Justices elected at the first election, the term of two of them shall expire at the close of the day next preceding the second Monday of January, nineteen hundred and nine; and the term of two of the others shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and the term of the other Justice shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and thirteen. The Supreme Court shall, by order duly entered in its minutes, provide the means of determining by lot the expiration of the terms of each of the Justices as hereinbefore provided, and shall determine in accordance therewith, and enter in the minutes of the court its

order showing the expiration of the term of each of such Justices. After the first election, Justices of the Supreme Court shall be elected at the general biennial election next preceding the beginning of their respective terms.

Sec. 7. There shall be elected by the qualified electors of the State at each election for Governor, a clerk of the Supreme Court, who shall be at least twenty-five years of age and a qualified elector of the State, and whose term shall be the same as that of the Governor, and he shall give bond for faithful performance of his duty as may be prescribed by law.

Sec. 8. The appellate and the original jurisdiction of the Supreme Court shall be invoked in the manner now prescribed by the laws of the Territory of Oklahoma until the Legislature shall otherwise provide.

Sec. 9. Until otherwise provided by law, the State shall be divided into twenty-one Judicial districts, and the qualified electors in each of the said districts shall elect a judge of the District Court as provided herein, except in the Thirteenth Judicial District two judges shall be elected. Such judge shall be a citizen of the United States, and shall have been a resident of the Territory embraced within the State for two years, and of the territory comprising his district at least one year, prior to his election; and he shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or both such lawyer and judge, for four years next preceding his election, and shall reside in his district during his term of office. The term of office of the District Judge shall be four years, and at the time of his election he shall have reached the age of twenty-five years. Regular terms of the District Court shall be held in each organized county of this State at least twice in each year. The time of convening the District Court in each county in this State, until the Legislature shall otherwise provide, and the duration of the term, shall be fixed by the Supreme Court of the State. The term of the District Judges elected at the first election shall expire on the last day next preceding the second Monday in January, nineteen hundred and eleven, and the judges of the District Court thereafter shall be elected at the general election next preceding the commencement of their terms of office. In case of the illness of the judge elected in any district, or if for any other cause he shall be unable to preside in the district in which he was elected, the Chief Justice may designate any District Judge in the State to hold any term of court in said district in lieu of the judge elected to hold the courts of said district. Whenever the public business shall require it, the Chief Justice may appoint any District Judge of the State to hold court in any district, and two or more District Judges may sit in any district separately at the same time. In the event any judge shall be disqualified for any reason from trying any case in his district, the parties to such case may agree upon a judge pro tempore to try the same, and, if such parties cannot agree, at the request of either party a judge pro tempore may be elected by the members of the bar of the district, present at such term. If no election for judge pro tempore shall be had, the Chief Justice of the State shall designate some other District Judge to try such case.

Sec. 10. The District Courts shall have original jurisdiction in all cases, civil and criminal, except where exclusive jurisdiction is by this Constitution, or by law, conferred on some other court, and such appellate jurisdiction as may be provided in this Constitution, or by law. The District Courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments, or decrees. The District Courts shall also have the power of naturalization in accordance with the laws of the United States.

Sec. 11. There is hereby established in each county in this State a



County Court, which shall be a court of record and, at the election to ratify this Constitution, there shall be elected in each county a County Judge, who shall hold his office until the close of the day next preceding the second Monday in January, nineteen hundred and eleven and thereafter the term of office of the County Judge shall be two years, and he shall be elected at each biennial general election. The County Judge shall be a qualified voter and a resident of the county at the time of his election, and a lawyer licensed to practice in the courts of record of the State. The County Judge shall be judge of the County Court.

Sec. 12. The County Court, co-extensive with the county, shall have original jurisdiction in all probate matters, and until otherwise provided by law, shall have concurrent jurisdiction with the District Court in civil cases in any amount not exceeding one thousand dollars, exclusive of interest: Provided, That the County Court shall not have jurisdiction in any action for malicious prosecution, or in any action for divorce or alimony, or in any action against officers for misconduct in office, or in actions for slander or libel, or in actions for the specific performance of contracts for the sale of real estate, or in any matter wherein the title or boundaries of land may be in dispute or called in question: nor to order or decree the partition or sale of real estate, not arising under its probate jurisdiction. It shall have such appellate jurisdiction of the judgments of justices of the peace in civil and criminal cases as may be provided by law, or in this Constitution. The County Court shall have jurisdiction concurrent with justices of the peace in misdemeanor cases, and exclusive jurisdiction in all misdemeanor cases of which justices of the peace have not jurisdiction. In the absence of the Judge of the District Court from the county, or in case of his disqualification for any reason, the County Court, or judge thereof, shall have power to issue writs of injunction in matters about to be brought or pending in the District Court; and to issue writs of injunction, mandamus, and all writs necessary to enforce the jurisdiction of the county courts; and issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County court or any other court or tribunal inferior to said court. When the county judge is disqualified in any case pending in the county court, a judge pro tempore may be selected in the manner provided for the selection of judges pro tempore in the District Court.

Sec. 13. The County Court shall have the general jurisdiction of a Probate Court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof. The County Court shall be held at the county seat, but the Legislature may provide for holding sessions of the County Court at not more than two additional places in the county: Provided, That alternate sessions of County Court in LeFlore County, shall be held at Talihina.

Sec. 14. Until otherwise provided by the law, the County Court shall have jurisdiction of all cases on appeals from judgments of the justices of the peace in civil or criminal cases; and in all cases, civil and criminal, appealed from justices of the peace to such County Court, there shall be a trial de novo on questions of both law and fact.

Sec. 15. Appeals and proceedings in error shall be taken from the judgments of County Courts, direct to the Supreme Court, in all cases appealed from justices of the peace, and in all criminal cases of which the

County Court is vested with jurisdiction, and in all civil cases originally brought in the County Court, in the same manner and by like proceedings as appeals are taken to the Supreme Court from the judgments of the District Court.

Sec. 16. Until otherwise provided by law, in all cases arising under the probate jurisdiction of the County Court, appeals may be taken from the judgments of the County Court to the District Court of the county in the same manner as is now provided by the laws of the Territory of Oklahoma for appeals from the Probate Court to the District Court, and in all cases, appealed from the County Court to the District Court, the cause shall be tried de novo in the District Court upon questions of both law and fact.

Sec. 17. County Courts shall also have and exercise the jurisdiction of examining and committing magistrates in all criminal cases.

Sec. 18. The office of Justice of the Peace is hereby created, and, until otherwise provided by law, Courts of Justices of the Peace shall have, co-extensive with the county, jurisdiction as examining and committing magistrates in all felony cases, and shall have jurisdiction, concurrent with the County Court and District Court, in civil cases where the amount involved does not exceed two hundred dollars, exclusive of interest and costs, and concurrent jurisdiction with the County Court in all misdemeanor cases in which the punishment does not exceed a fine of two hundred dollars or imprisonment in the county jail for not exceeding thirty days, or both such fine and imprisonment; but Justices of the Peace shall in no event have jurisdiction in actions for libel or libel and slander. Until otherwise provided by law, appeals shall be allowed from judgments of the Court of Justices of the Peace in all civil and criminal cases to the County Court in the manner now provided by the laws of the Territory of Oklahoma governing appeals from the Courts of Justices of the Peace to the District Court. In cities of **more** than two thousand and five hundred inhabitants, two Justices of the Peace shall be elected.

Sec. 19. All Judges of Courts of this State, and Justices of the Peace, shall, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and processes shall be "The State of Oklahoma." All prosecutions shall be carried on in the same and by the authority of the State of Oklahoma, and all indictments, informations, and complaints shall conclude, "Against the peace and dignity of the State."

Sec. 20. In all issues of fact, joined in any court, all parties may waive the right to have the same determined by jury, in which case the finding of the judge, upon the facts, shall have the force and effect of a verdict by jury.

Sec. 21. In all jury trials, the jury shall return a general verdict, and no law in force, nor any law hereafter enacted, shall require the court to direct the jury to make findings on particular questions of fact; but the court may, in its discretion, direct such special findings.

#### Judicial Apportionment.

Sec. 22. The State is hereby divided into five Supreme Court judicial districts, numbered respectively, One to Five, inclusive, and is subdivided into twenty-one District Court judicial districts, numbered, respectively, One to Twenty-one, inclusive; and all such judicial districts shall be and remain until changed as provided in this Constitution.

Sec. 23. Of the Supreme Court judicial districts, number One shall embrace the First, Second, Third, and Fourth District Court judicial districts; number Two shall embrace the Fifth, Sixth, Seventh, and Eighth District Court judicial districts; number Three shall embrace the Ninth, Tenth, Eleventh, Twelfth, and Twenty-first District Court judicial districts; number Four shall embrace the Thirteenth, Fourteenth, Fifteenth, and Six-



teenth District Court judicial districts; and number Five shall embrace the Seventeenth, Eighteenth, Nineteenth, and Twentieth District Court judicial districts.

Sec. 24. Of the District Court judicial districts, number One shall comprise the counties of Adair Cherokee, Delaware and Sequoyah; number Two, the counties of Craig, Mayes, Nowata, Ottawa, Rogers and Washington; number Three, the counties of Muskogee and Wagoner; number Four, the counties of McIntosh and Pittsburg; number Five, the counties of Haskell, Latimer, LeFlore, and Pushmataha; number Six, the counties of Bryan, Choctaw, Marshall, and McCurtain; number Seven, the counties of Atoka, Coal, Johnston, Pontotoc, and Seminole; number Eight, the counties of Carter and Love; number Nine, the Counties of Hughes, Creek, Okfuskee, and Okmulgee; number Ten, the counties of Lincoln and Pottawatomie; number Eleven, the counties of Kingfisher and Logan; number Twelve, the counties of Grant, Kay, and Noble; number Thirteen, the counties of Canadian and Oklahoma, with two judges; number Fourteen, the counties of Cleveland, Garvin, McClain, and Murray; number Fifteen, the counties of Caddo, Grady, Jefferson, and Stephens; number Sixteen, the counties of Comanche, Jackson, and Tillman; number Seventeen, the counties of Blaine, Custer, Kiowa, and Washita; number Eighteen, the counties of Beckham, Dewey, Ellis, Greer, and Roger Mills; number Nineteen, the counties of Beaver, Cimarron, Harper, Texas, Woods and Woodward; number Twenty, the counties of Alfalfa, Garfield, and Major; number Twenty-one, the counties of Osage, Payne, Pawnee, and Tulsa.

Sec. 25. The terms of the District Court shall be held at the county seat of the respective counties.

#### ARTICLE 8.

##### Impeachment and Removal From Office.

Section 1. The Governor and other elective State officers, including the justices of the Supreme Court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Sec. 2. All elective officers not liable to impeachment shall be subject to removal from office in such manner and for such causes as may be provided by law.

Sec. 3. When sitting as a Court of Impeachment the Senate shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

Sec. 4. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 5. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the State.

Sec. 6. The Legislature shall pass such laws as are necessary for carrying into effect the provisions of this chapter.

#### ARTICLE 9.

##### Corporations—Definitions.

Section 1. As used in this article, the term "corporation" or "company" shall include all associations and joint stock companies having any power

or privilege, not possessed by individuals, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall mean the charter of incorporation, by or under which any corporation is formed. The term "license" shall mean the authority under which all foreign corporations are permitted to transact business in this State.

#### Railroads and Public Service Corporations.

Sec. 2. Every railroad, oil pipe, car, express, telephone or telegraph corporation or association organized or authorized to do a transportation or transmission business under the laws of this State for such purposes, shall, each respectively, have the right to construct and operate its line between any points in this State, and as such to connect at the State line with like lines and every such company shall have the right with its road or line, to intersect, connect with, or cross any railroad or such line.

Sec. 3. Every railroad, car, or express company, shall, each respectively, receive and transport without delay or discrimination each other's cars loaded or empty, tonnage, and passengers, under such rules and regulations as may be prescribed by law or any commission created by this Constitution or by act of the Legislature, for that purpose.

Sec. 4. All oil pipe companies shall be subject to the reasonable control and regulation of the Corporation Commission and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law, or such commission.

Sec. 5. All telephone and telegraph lines, operated for hire, shall, each respectively, receive and transmit each other's messages without delay or discrimination, and make physical connections with each other's lines, under such rules and regulations as shall be prescribed by law, or by any commission created by this Constitution, or any act of the Legislature, for that purpose.

Sec. 6. Railroads heretofore constructed, or which may hereafter be constructed in this State, are hereby declared public highways. Every railroad or other public service corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State, for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporation, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of stock, the amounts owned by them, respectively; the amount of stock paid, and by whom; the transfer of said stock, with date of transfer; the amount of its assets, and liabilities, and the names and places of residence of its officers, and such other matters required by law or by order of the Corporation commission. The directors of every railroad company, or other public service corporation, shall hold at least one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent of every railroad company and other public service corporation organized or doing business in this State under the laws of this State, or the authority thereof, shall report annually under oath, and make such other reports as may be required by law or order of the Corporation Commission, to said Commission, their acts and doings, which report shall include such matters relating to railroads and other public service corporations as may be prescribed by law. The Legislature shall pass all necessary laws enforcing, by suitable penalties, all the provisions of this section.

Sec. 7. The rolling stock and all other movable property belonging to any railroad, transportation, transmission, or other public service corporation in this State, shall be considered personal property, and its real and

personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals and the Legislature shall pass no laws exempting any such property from execution and sale.

Sec. 8. No public service corporation, or the lessees, purchasers, or managers thereof, shall consolidate the stock, property, or franchises, of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other public service corporation owning or having under its control a parallel or competing line nor shall any officer of such corporation act as an officer of any other corporation owning or controlling a parallel or competing line.

Sec. 9. Neither shall any railroad company, transportation company, or transmission company, organized under the laws in this State, consolidate by private or judicial sale, or otherwise, with any railroad company, transportation company, or transmission company organized under the laws of any other State, or of the United States.

Sec. 10. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, nor upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

Sec. 11. No railroad, transportation, transmission, or other public service corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution, applicable to railroads, transportation companies, transmission companies, and other public service corporations: Provided, That nothing herein shall be construed as validating any charter, which may be invalid, or waiving any of the conditions contained in any charter.

Sec. 12. No railroad company shall transport, within the State, any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own, in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

Sec. 13. No railroad corporation or transportation company, or transmission company shall, directly or indirectly, issue or give any free frank or free ticket, free pass or other free transportation, for any use, within this State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries for railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportations; to inmates of the National Homes, or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes, to members of volunteer fire departments and their equipage, while traveling as such; to necessary caretakers of live stock, poultry, and fruit; to employees of the sleeping cars, of express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, postoffice inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad company or transportation company is interested, persons injured in wrecks, and physicians and nurses attending such persons: Provided, That this provision shall not



be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prevent them from transporting, free of charge to their places of employment persons entering their service, and the interchange of passes to that end; and any railroad, transportation, or transmission company or any person, other than the persons excepted in this provision, who grants or uses any such free frank, free ticket, free pass, or free transportation within this State, shall be deemed guilty of a crime, and the Legislature shall provide proper penalties for the violation of any provision of this section by the railroad or transportation or transmission company, or by any individual: Provided, That nothing herein shall prevent the Legislature from extending these provisions so as to exclude such free transportations or franks from other persons.

Sec. 14. No railroad hereafter constructed in this State shall pass within a distance of four miles of any county seat without passing through the same and establishing and maintaining a depot therein, unless prevented by natural obstacles such as streams, hills, or mountains: Provided, Such town, or its citizens, shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

#### Corporation Commission.

Sec. 15. A Corporation Commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for State officers, and their terms of office shall be six years: Provided, Corporation Commissioners first elected under this Constitution shall hold office as follows: One shall serve until the second Monday in January, nineteen hundred and nine; one until the second Monday in January, nineteen hundred and eleven; and one until the second Monday in January, nineteen hundred and thirteen; their terms to be decided by lot immediately after they shall have qualified. In case a vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

Sec. 16. The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such Commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State or out of it, or any stock bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line; compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such Commissioner hold any other office under the government of the United States, or of this State, or any other state government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such Commissioner.

Sec. 17. Before entering upon the duties of his office, each of said Commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction

line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph lines; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steam boat, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said commission has jurisdiction, which oath shall be filed with the Secretary of State.

Sec. 18. The Commission shall have the power and authority and be charged with the duty of supervising, regulating, and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the Commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the Commission, within the scope of its authority, shall be unlawful and void. The Commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the Commission shall prescribe or fix any rate, change, or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the Commission at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said Commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week, for four consecutive weeks, in one or more of the newspapers of general circulation

published in the county in which the Capitol of this State may be located, together with the notice of the time and place, when and where the Commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement, made by the Commission, shall be published at length, for the time and in the manner above specified before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the Commission. The authority of the Commission (subject to review on appeal as hereinafter provided), to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws; Provided, However, That nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town, or county to prescribe rules, regulations, or rates of charges to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the Commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons or employees.

Sec. 18 a. The Corporation Commission shall organize by electing one of its members chairman and appointing a secretary whose salary shall be fixed by the Legislature. A majority of said Commission shall constitute a quorum, and the concurrence of the majority of said Commission shall be necessary to decide any question.

Sec. 18 b. As used in this article, the term "Company" shall include associations and joint stock companies having any power or privileges not possessed by individuals, and include all corporations except municipal corporations and public institutions owned or controlled by the State.

Sec. 19. In all matters pertaining to the public visitation, regulation, or control of corporations, and within the jurisdiction of the Commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses, and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the Commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and by enforcing its own appropriate process, against the delinquent or offending party or company (after it shall have been first duly cited, proceeded against by due process of law before the Commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness, or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The Commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation, or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their



franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the Commission, within reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the Commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the Commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the Commission, shall be a separate offense: Provided, That should the operation of such order or requirement be suspended, pending any appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

Sec. 20. For any action of the Commission prescribing rates, charges, or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as hereinafter provided for, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to cost, as may be prescribed by law) may be taken by the corporation whose rates, charges, or classifications of traffic, schedule, facilities, conveniences, or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court from the District Courts, except that such an appeal shall be of right, and the Supreme officer or manager who, at any time, shall make a false report, shall be of right and the Supreme Court may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges, or classifications of traffic, schedules, facilities, conveniences, or service are affected, the State shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The Legislature may also, by general laws, provide for appeals from any other action of the Commission, by the State, or by any person interested, irrespective of the amount involved. All appeals from the Commission shall be to the Supreme Court only, and in all appeals to which the State is a party, it shall be represented by the Attorney General or his legally appointed representative. No court of this State (except the Supreme Court, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct, or annul any action of the Commission within the scope of its authority, or to suspend or delay the execution of operation thereof, or to enjoin, restrain, or interfere with the Commission in the performance of its official duties: Provided, However, That the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission in all cases where such writs, respectively, would lie to any inferior court or officer.

Sec. 21. Upon the granting of an appeal, a writ of supersedeas may be awarded by the Supreme Court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the Supreme Court, no action of the Commission prescribing or affecting the rates, charges, or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceeding resulting from such appeal, until a supersedeas

bond shall first have been executed and filed with, and approved by, the Commission (or approved on review by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the Court on appeal. The Commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the Commission, from time to time, such reports, verified by oath, as may, in the judgment of the Commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the Commission appealed from, together with the names and addresses of the persons to whom such over charges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the Commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the Commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner and through such methods of distribution as may be prescribed by the Commission, or by law. All such appeals, affecting rates, charges, or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the Court, irrespective of its place of session, next after the habeas corpus, and State cases already on the docket of the court.

Sec. 22. In no case of appeal from the Commission shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the Commission, under the seal of the Commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the Commission as may be selected, specified, and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered as the Commission may deem proper to certify. The Commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the Supreme Court, upon disposing of the appeal. The Supreme Court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the Commission appealed from, as well as any other matter arising under such appeal: Provided, However, That the action of the Commission appealed shall be regarded as prima facie just, reasonable, and correct; but the court may, when it deems necessary, in the interest of justice, remand to the Commission any case pending on appeal, and require the same to be further investigated by the Commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the Commission by any party in interest), before the appeal is finally decided.

Sec. 23. Whenever the Court, upon appeal, shall reverse an order of the Commission, affecting the rates, charges, or the classifications of traffic



or any transportation or transmission company, it shall, at the same time, substitute therefor such orders as, in its opinion, the Commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the Commission at the time the original order appealed from was entered. The right of the Commission to prescribe and enforce rates, charges, classifications, rules and regulations affecting any or all actions of the Commission theretofore entered by it, and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the Commission, prescribing or altering such rates, charges, classifications, rules, or regulations, shall be retroactive.

Sec. 24. The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit, or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the Commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the Commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding shall the reasonableness, justice, or validity of any rate, charge, classification of traffic, rule, regulation, or requirement, theretofore prescribed by the Commission, within the scope of its authority, and then in force, be questioned: Provided, However, That no case based upon or involving any order of the Commission shall be heard or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court as authorized by this Constitution or by any law passed in pursuance thereof.

Sec. 25. The Commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

Sec. 26. It shall be the duty of each and every railway company, subject to the provisions herein, to provide and maintain adequate, comfortable, and clean depots and depot buildings, at its several stations, for the accommodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public; and all such roads shall keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing, and delivering of all freight handled by such roads.

Sec. 27. In case any railroad company shall hereafter seek to cross at grade with its track or tracks, the track or tracks of another railroad, the railroad seeking to cross at grade, within a reasonable time, shall be compelled to interlock or protect such crossings by safety devices, to be designed by the Commission, and all costs of appliance, together with the expenses of putting them in, shall be borne equally by each company; Provided, That this act shall not apply to crossings of side tracks.

Sec. 28. The commissioners, or either of them, or such persons as they may employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad company, or other public service corporation, and to examine, under oath, any officer,

bond shall first have been executed and filed with, and approved by, the Commission (or approved on review by the Supreme Court), payable to the State, and sufficient in amount and security to insure the prompt refunding by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the Court on appeal. The Commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the Commission, from time to time, such reports, verified by oath, as may, in the judgment of the Commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the Commission appealed from, together with the names and addresses of the persons to whom such over charges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the Commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the Commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner and through such methods of distribution as may be prescribed by the Commission, or by law. All such appeals, affecting rates, charges, or classifications of traffic, shall have precedence upon the docket of the Supreme Court, and shall be heard and disposed of promptly by the Court, irrespective of its place of session, next after the habeas corpus, and State cases already on the docket of the court.

Sec. 22. In no case of appeal from the Commission shall any new or additional evidence be introduced in the Supreme Court; but the chairman of the Commission, under the seal of the Commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the Commission as may be selected, specified, and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered as the Commission may deem proper to certify. The Commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the Supreme Court, upon disposing of the appeal. The Supreme Court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the Commission appealed from, as well as any other matter arising under such appeal: Provided, However, That the action of the Commission appealed shall be regarded as prima facie just, reasonable, and correct; but the court may, when it deems necessary, in the interest of justice, remand to the Commission any case pending on appeal, and require the same to be further investigated by the Commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the Commission by any party in interest), before the appeal is finally decided.

Sec. 23. Whenever the Court, upon appeal, shall reverse an order of the Commission, affecting the rates, charges, or the classifications of traffic

be entitled to the benefit of the right of eminent domain in this State until it shall have become a body corporate pursuant to or in accordance with the laws of this State.

Sec. 32. The said Commission shall have power, and it is hereby made its duty, to investigate all through freight or passenger rates on railroads in this State, and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the Interstate Commerce law, or the rules and regulations of the Interstate Commerce Commission, the proper officials of the railroads are to be notified of the facts requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, it shall be the duty of the latter to notify the Interstate Commerce Commission and to make proper application to it for relief, and the Attorney General shall represent the Commission in all such matters.

Sec. 33. Any person, firm, or corporation owning or operating any coal, lead, iron or zinc mine, or any saw mill, grain elevator, or other industry, whenever the Commission shall reasonably determine that the amount of business is sufficient to justify the same, near or within a reasonable distance of any track, may at their own expense, build and keep in repair a switch leading from such railroad to such mine, saw mill, elevator or other industry; such railroad company shall be required to furnish the switch stand and frog and other necessary material for making connection with such side track or spur under reasonable terms, conditions and regulations as the said Commission may prescribe, and shall make connection therewith. The party owning such mine, saw mill, elevator or other industry shall pay the actual cost thereof. If any railroad company, after proper demand therefor is made, shall refuse to furnish said material for making said connection and put the same in place, or after the building of such switch, shall fail or refuse to operate the same, such railroad company failing and refusing for a reasonable time, shall forfeit and pay to the party or corporation aggrieved, the sum of five hundred dollars for each and every offense, to be recovered by civil action in any court of competent jurisdiction; and every day of such refusal on the part of the railroad company to operate such switch as aforesaid, after such demand is made, shall be deemed a separate offense.

Sec. 34. As used in this article, the term "transportation company" shall include any company, corporation, trustee, receiver, or any other person, owning, leasing, or operating for hire, a railroad, street railway, canal, steam boat line, and also any freight car company, car association, express company, sleeping car company, car corporation, or company, trustee or person in any way engaged in such business as a common carrier over a route acquired in whole or in part under the right of eminent domain, or under any grant from the government of the United States; the term "rate" shall be construed to mean rate of charge for any service rendered, or to be rendered; the terms "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively, the term "transmission company" shall include any company, receiver or other person, owning, leasing or operating for hire any telegraph or telephone line; the term "freight" shall be construed to mean any property transported or received for transportation, by any transportation company. The term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any right of way, street, alley, or public highway, whether



along, over, or under the same, in a manner not permitted to the general public; the term "person" as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed. The term "frank" shall mean any writing or token issued by or under authority of a transmission company, entitling the holder to any service from such company free of charge.

The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Sec. 35. After the second Monday in January, nineteen hundred and nine, the Legislature may, by law, from time to time, alter, amend, revise, or repeal sections from twenty to twenty-seven, inclusive, of this article, or any of them, or any amendment thereof: Provided, That no amendment made under authority of this section shall contravene the provisions of any part of this Constitution, other than the said sections last above referred to or any such amendments thereof.

#### Fellow Servants.

Sec. 36. The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or inter-urban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a non-assignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or inter-urban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section, for the acts of his or its receivers.

#### Passenger Fare.

Sec. 37. No person, company, corporation, receiver, or other agency, operating a railroad, other than street railroad or electric railroad, in whole or in part, within this State, shall demand or receive for first class transportation for each passenger, between points within this State on the portion of its road operated within this State, more than two cents per mile, until otherwise provided by law: Provided, However, The Corporation Commission shall have the power to exempt any railroad from the operation of this section upon satisfactory proof that it cannot earn a just compensation for the services rendered by it to the public, if not permitted to charge more than two cents per mile for the transportation of passengers within the State.

Nothing contained in this section shall restrict the power of the Legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.



**Private Corporations.**

Sec. 38. No private corporation shall be created nor foreign corporation licensed, to conduct business in the State, except by general law.

Sec. 39. No corporation shall issue stock except for money, labor done, or property actually received to the amount of the par value thereof, and all fictitious increase of stock or indebtedness shall be void, and the Legislature shall prescribe the necessary regulations to prevent the issue of fictitious stock or indebtedness. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice, given in pursuance of law.

Sec. 40. No corporation organized or doing business in this State shall be permitted to influence elections or official duty by contributions of money or any thing of value.

Sec. 41. No corporation chartered or licensed to do business in this State shall own, hold or control, in any manner whatever, the stock of any competitive corporation or corporations engaged in the same kind of business, in or out of the State, except such stock as may be pledged in good faith to secure bona fide indebtedness acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt. In all cases where any corporation acquires stock in any other corporation as herein provided, it shall be required to dispose of the same within twelve months from the date of acquisition; and during the period of its ownership of such stock it shall have no right to participate in the control of such corporation, except when permitted by order of the Corporation Commission. No trust company or bank or banking company shall own, hold, or control, in any manner whatever, the stock of any other trust company or bank or banking company, except such stock as may be pledged in good faith to secure bona fide indebtedness, acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt; and such stock shall be disposed of in the time and manner hereinbefore provided.

Sec. 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

Sec. 43. No corporation, foreign or domestic, shall be permitted to do business in this State without first filing in the office of the Corporation Commission a list of its stockholders, officers, and directors, with the residence and post office address of, and the amount of stock held by, each. And every foreign corporation shall, before being licensed to do business in the State, designate an agent residing in the State; and service of summons or legal notice may be had on such designated agent and such other agents as now are or may hereafter be provided for by law. Suit may be maintained against a foreign corporation in the county where any agent of such corporation may be found, or in the county of the residence of plaintiff, or in the county where the cause of action arose.

Sec. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing or be relieved from compliance with any of the requirements made of a similar domestic corporation by the Constitution or laws of the State. Nothing in this article, however, shall restrict the power of the Legislature to discriminate against any foreign corporation whenever and in whatever respect it may deem wise or expedient.

Sec. 45. No foreign corporation licensed to do business in this State

shall, without the consent of the other party to any suit or proceeding brought by or against it in any court of the State, remove the same to any federal court without forfeiting its license to do business in the State.

Sec. 46. No person, firm, association, or corporation engaged in the production, manufacture, distribution, or sale of any commodity of general use, shall, for the purpose of destroying competition in trade, discriminate between different persons, associations, or corporations of different sections, communities, or cities of the State, by selling such commodity at a lower rate in one section, community, or city than in another, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of production or manufacture.

Sec. 47. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business commenced in good faith at the time this Constitution becomes effective, shall thereafter have no validity.

Sec. 48. The Legislature shall have power to alter, amend, annul, revoke, or repeal any charter of incorporation or franchise now existing and subject to be altered, amended, annulled, revoked, or repealed at the time of the adoption of this Constitution, or any that may be hereafter created, whenever in its opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the incorporation.

Sec. 49. The Legislature shall provide such penalties and regulations as may be necessary for the proper enforcement of the provisions of this chapter.

## ARTICLE 10.

### Revenue and Taxation.

Section 1. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

Sec. 2. The Legislature shall provide by law for an annual tax sufficient, with other resources, to defray the estimated ordinary expenses of the State for each fiscal year.

Sec. 3. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year, which, with other resources, shall be sufficient to pay the deficiency, as well as the estimated ordinary expenses of the State for the ensuing year.

Sec. 4. For the purpose of paying the State debt, if any, the Legislature shall provide for levying a tax, annually, sufficient to pay the annual interest and principal of such debt within twenty-five years from the final passage of the law creating the debt.

Sec. 5. The power of taxation shall never be surrendered, suspended, or contracted away. Taxes shall be uniform upon the same class of subjects.

Sec. 6. All property used for free public libraries, free museums, public cemeteries, property used exclusively for schools, colleges, and all property used exclusively for religious and charitable purposes, and all property of the United States, and of this State, and of counties and of municipalities of this State; all household goods of the heads of families, tools, implements, and live stock employed in the support of the family, not exceeding one hundred dollars in value, and all growing crops, shall be exempt from taxation: Provided, That all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law: And Provided, Further, That there shall be exempt from taxation, to all ex-Union and ex-

Confederate soldiers, bona fide residents of this State, and to all widows of ex-Union and ex-Confederate soldiers, who are heads of families and bona fide residents of the State, personal property not exceeding two hundred dollars in value.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whittaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason of treaty stipulation, existing between the Indians and the United States government, or by Federal laws, during the force and effect of such treaties or Federal laws. The Legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Sec. 7. The Legislature may authorize county and municipal corporations to levy and collect assessments for local improvements upon property benefited thereby, homesteads included, without regard to a cash valuation.

Sec. 8. All property which may be taxed ad valorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values, or subjects, for taxation, who shall commit any wilful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

Sec. 9. Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, State, county, township, city or town, and school district taxes, shall not exceed in any one year thirty-one and one-half mills on the dollar, to be divided as follows:

State levy, not more than three and one-half mills; county levy, not more than eight mills; Provided, That any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy, not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common schools: Provided, That the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed five mills on the dollar valuation, on condition that three-fifths of the voters thereof voting at an election, vote for said increase.

Sec. 10. For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor: Provided, That such increase shall not exceed five mills on the dollar of the assessed value of the taxable property in such county, city, or school district.

Sec. 11. The receiving, directly or indirectly, by any officer of the State, or of any county, city or town, or member or officer of the Legislature, of any interest, profit, or perquisites, arising from the use or loan



of public funds in his hands, or moneys to be raised through his agency for State, city, town, district, or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

Sec. 12. The Legislature shall have power to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes; also stamp, registration, production or other specific taxes.

Sec. 13. The State may select its subjects of taxation, and levy and collect its revenues independent of the counties, cities, or other municipal subdivisions.

Sec. 14. Taxes shall be levied and collected by general laws, and for public purposes only, except that taxes may be levied when necessary to carry into effect Section thirty-one of the Bill of Rights. Except as required by the Enabling Act, the State shall not assume the debt of any county, municipal corporation, or political subdivisions of the State, unless such debt shall have been contracted to defend in time of war, to repel invasion, or to suppress insurrection.

Sec. 15. The credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State; nor shall the State become an owner or stockholder in nor make donation by gift, subscription to stock, by tax, or otherwise, to any company, association, or corporation.

Sec. 16. All laws authorizing the borrowing of money by and on behalf of the State, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

Sec. 17. The Legislature shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or levy any tax for, or to loan its credit to any corporation, association, or individual.

Sec. 18. The Legislature may authorize the levy and collection of a poll tax on all electors of this State, under sixty years of age, not exceeding two dollars per capita, per annum, and may provide a penalty for the non-payment thereof.

Sec. 19. Every act enacted by the Legislature, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

Sec. 20. The Legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes.

Sec. 21. There shall be a State Board of Equalization consisting of the Governor, State Auditor, State Treasurer, Secretary of State, Attorney General, State Inspector and Examiner, and President of the Board of Agriculture. The duty of said Board shall be to adjust and equalize the valuation of real and personal property of the several counties in the State, and it shall perform such other duties as may be prescribed by law, and they shall assess all railroad and public service corporation property.

Sec. 22. Nothing in this Constitution shall be held, or constructed, to prevent the classification of property for purposes of taxation; and the



valuation of different classes by different means or methods.

#### Public Indebtedness.

Sec. 23. The State may, to meet casual deficits or failure in revenue, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed four hundred thousand dollars, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

Sec. 24. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection or to defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debt, and to no other purpose whatever.

Sec. 25. Except the debts specified in sections twenty-three and twenty-four of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by law for some work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty-five years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against at such election. On the final passage of such bill in either House of the Legislature, the question shall be taken by yeas and nays, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

Sec. 26. No county, city, town, township, school district, or other political corporation, or subdivision of the State, shall be allowed to become indebted, in any manner, or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: Provided, That any county, city, town, township, school district, or other political corporation or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also, to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting same.

Sec. 27. Any incorporated city or town in this State may, by a majority of the qualified property tax paying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section twenty-six, for the purpose of purchasing or constructing public utilities, or for repairing the same, to be owned exclusively by such city: Provided, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls

due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

Sec. 28. Counties, townships, school districts, cities and towns may levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payment of such parts of judgments as such municipality may, by law, be required to pay.

Sec. 29. No bond or evidence of indebtedness of this State shall be valid unless the same shall have endorsed thereon a certificate signed by the Auditor and Attorney General of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have endorsed thereon a certificate signed by the County Clerk, or other officer authorized by law to sign such certificate, and the County Attorney of the county, stating that said bond, or evidence of debt, is issued pursuant to law, and that said issue is within the debt limit.

Sec. 30. The Legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local, which shall be prescribed and audited by authority of the State.

#### ARTICLE 11.

##### State and School Lands.

Section 1. The State hereby accepts all grants of land and donations of money made by the United States under the provisions of the Enabling Act and any other Acts of Congress for the uses and purposes and upon the conditions, and under the limitations for which the same are granted or donated, and the faith of the State is hereby pledged to preserve such lands and moneys and all moneys derived from the sale of any of said lands as a sacred trust, and to keep the same for the uses and purposes for which they were granted or donated.

Sec. 2. All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the common schools of this State, all such per centum as may be granted by the United States on the sales of public lands, the sum of five million dollars appropriated to the State for the use and benefit of the common schools in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the State for common schools not otherwise appropriated by the terms of the gifts, and such other appropriations, gifts, or donations as shall be made by the Legislature for the benefit of the common schools, shall constitute the permanent school fund, the income from which shall be used for the maintenance of the common schools in the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished. The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

Sec. 3. The interest and income of the permanent school fund, the net income from the leasing of public land which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be used and applied each year for the benefit

agent, or employee of such railroad in relation to the business and affairs of the same. If any railroad company or other public service corporation shall refuse to permit the Commissioners, or either of them, or any person authorized thereto, to examine its books and papers, such railroad company or other public service corporation shall, until otherwise provided by law, for each offense, pay to the State of Oklahoma not less than one hundred and twenty-five dollars, nor more than five hundred dollars, for each day it shall so fail or refuse, and the officer or other person so refusing shall be punished as the law shall prescribe.

Sec. 29. The Commission shall ascertain, and enter of record, the same to be a public record, as early as practicable, the amount of money expended in construction and equipment per mile of every railroad and other public service corporation in Oklahoma, the amount of money expended to procure the right of way, and the amount of money it would require to reconstruct the roadbed, track, depots, and transportation facilities, and to replace all the physical properties belonging to the railroad or other public service corporation. It shall also ascertain the outstanding bonds, debentures, and indebtedness, and the amount, respectively, thereof, when issued, and rate of interest, when due, for what purposes issued, how used, to whom issued, to whom sold, and the price in cash, property, or labor, if any, received therefor, what became of the proceeds, by whom the indebtedness is held, the amount purporting to be due thereon, the floating indebtedness of the company, to whom due, and his address, the credits due on it, the property on hand belonging to the railroad company or other public service corporation, and the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The Commission shall also ascertain the amounts paid for salaries to the officers of the railroad, or other public service corporation, and the wages paid its employees. For the purpose in this section named, the Commission may employ experts to assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the Attorney General by report, and file a duplicate thereof with the State Examiner and Inspector for public use, and said information shall be printed, from time to time, in the annual report of the Commission.

Sec. 30. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than a longer distance, along the same line, and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the Commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to this State, or to the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the Commission.

Sec. 31. No railroad, oil pipe line, telephone, telegraph, express or car corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business in this State, shall



nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State: And Provided Further, That any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

Sec. 2. The homestead of a family shall be, and is hereby protected from forced sale, for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon; nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law: Provided, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any, joining therein; nor prevent the sale thereof on foreclosure to satisfy any such mortgage.

Sec. 3. After the adoption of this Constitution, paragraph three of section four, and section five of chapter thirty-four, Statutes of Oklahoma, of eighteen hundred and ninety three, shall be inoperative: Provided, That no property shall be exempt for any part of the purchase price while the same or any part thereof remains in the possession of the original vendee, or in possession of any purchaser from such vendee, with notice: And Provided Further, Nothing in this Constitution shall prevent or prohibit any person from mortgaging or encumbering his personal exemptions.

The Legislature may change or amend the terms of this article.

#### ARTICLE 13.

##### Education.

Section 1. The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

Sec. 2. The Legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

Sec. 3. Separate schools for white and colored children with like accommodations shall be provided by the Legislature and impartially maintained. The term "colored children" as used in this section shall be construed to mean children of African descent. The term "white children" shall include all other children.

Sec. 4. The Legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided of all the children in the State who are sound in mind and body, between the ages of eight and sixteen years, for at least three months in each year.

Sec. 5. The supervision of instruction in the public schools shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be President of the Board. Until otherwise provided by law, the Governor, Secretary of State, and Attorney General shall be ex-officio members, and with the Superintendent, compose said Board of Education.

Sec. 6. The Legislature shall provide for a uniform system of textbooks for the common schools of the State.

Sec. 7. The Legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State.

#### ARTICLE 14.

##### Banks and Banking.

Section 1. General laws shall be enacted by the Legislature providing for the creation of a Banking Department, to be under the control of a Bank Commissioner, who shall be appointed by the Governor for a term



of four years, by and with the consent of the Senate, with sufficient power and authority to regulate and control all State Banks, Loan, Trust and Guaranty Companies, under laws which shall provide for the protection of depositors and individual stockholders.

Sec. 2. The legal rate of interest shall not exceed six per centum per annum in the absence of any contract as to the rate of interest, and, by contract, parties may agree upon any rate not to exceed ten per centum per annum, and, until reduced by the Legislature, said rates of six and ten per centum shall be, respectively, the legal and the maximum contract rates of interest.

Sec. 3. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives may recover from the person, firm, or corporation taking or receiving the same, in an action in the nature of an action of debt, twice the amount of the interest so paid, provided such action shall be brought within two years after the maturity of such usurious contract: Provided, However, That this section may be subject to such changes as the Legislature may prescribe.

#### ARTICLE 15.

##### Oath of Office.

Section 1. Senators and Representatives, and all Judicial, State, and County officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contracted, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law, and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office."

Sec. 2. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and Judges of the Supreme Court, shall be filed in the office of the Secretary of State, and in case of other judicial and county officers, in the office of the Clerk of the County in which the same is taken; any person refusing to take said oath, or affirmation, shall forfeit his office, and any person who shall have been convicted of having sworn or affirmed falsely, or having violated said oath, or affirmation, shall be guilty of perjury, and shall be disqualified from holding any office of trust or profit within the State. The oath to members of the Senate and House of Representatives shall be administered in the hall of the house to which the members shall have been elected, by one of the judges of the Supreme Court, or in case no such judge is present, then by any person authorized to administer oaths.

#### ARTICLE 16.

##### Public Roads, Highways, and Internal Improvements.

Section 1. The Legislature is directed to establish a Department of Highways, and shall have the power to create improvement districts and

provide for building and maintaining public roads, and may provide for the utilization of convict and punitive labor thereon.

Sec. 2. The State of Oklahoma hereby accepts all reservations and lands for public highways made under any grant, agreement, treaty, or act of Congress: Provided, This section shall not be construed to prejudice the vested rights of any tribe, allottee, or other person to any such land.

#### Levees, Drains, and Ditches.

Sec. 3. The Legislature shall have power and shall provide for a system of levees, drains, and ditches and of irrigation in this State when deemed expedient, and provide for a system of taxation on the lands affected or benefited by such levees, drains, and ditches and irrigation, or on crops produced on such land, to discharge such bonded indebtedness or expenses necessarily incurred in the establishment of such improvements; and to provide for the issuance of bonds by the owners or lessees of the lands benefited or affected by such levees, drains, and ditches, or irrigation.

### ARTICLE 17.

#### County and Township Government.

Section 1. Each county in this State, now or hereafter organized, shall be a body politic and corporate.

Sec. 2. There are hereby created, subject to change by the Legislature, in and for each organized county of this State, the offices of Judge of the County Court, County Attorney, Clerk of the District Court, County Clerk, Sheriff, County Treasurer, Register of Deeds, County Surveyor, Superintendent of Public Instruction, three County Commissioners, and such municipal township officers as are now provided for under the laws of the Territory of Oklahoma, except as in this Constitution otherwise provided.

Sec. 3. The several counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county.

#### County Boundaries.

##### Counties and County Seats.

Section 1. The State of Oklahoma is hereby divided into Counties named and described as follows (all descriptions are referred to the Indian Meridian and base line established by the United States Geological Survey, 1895-1899; unless otherwise specifically mentioned):

Adair County: Beginning on the township line between townships nineteen (19) and twenty (20) North, at its intersection with the range line between ranges twenty-three (23) and twenty-four (24) East; thence east along said township line to its intersection with the Arkansas State line; thence southward along said Arkansas State line to its intersection with the township line between townships thirteen (13) and fourteen (14) North; thence west along said township line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) East; thence north along said range line to the point of beginning. Westville is hereby designated the County Seat of Adair County.

Alfalfa County: Beginning on the Kansas and Oklahoma State line at its intersection with the range line between ranges twelve (12) and thirteen (13) West; thence eastward along said State line to its intersection with the range line between ranges eight (8) and nine (9) West; thence south along said range line to its intersection with the east and west center section line of township twenty-three (23) North; thence west along said center section line between ranges twelve (12) and thirteen (13) West; thence north along said range line to the point of beginning. Cherokee is hereby designated the County Seat of Alfalfa County.

Atoka County: Beginning at the northwest corner of township two (2) North, range twelve (12) East; thence east along the township line between townships two (2) and three (3) North, to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence south along said range line to its intersection with the township line between township one (1) and two (2) North; thence east along said township line to its intersection with the range line between ranges fifteen (15) and sixteen (16) East; thence south along said range line to its intersection with the base line; thence west along said base line to its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence south along said range line to its intersection with the township line between townships four (4) and five (5) South; thence west along said township

line to its intersection with the range line between ranges eight (8) and nine (9) East; thence north along said range line to its intersection with the township line between townships one (1) and two (2) South; thence east along said township line to its intersection with the north and south center section line across range eleven (11) East; thence north along said center section line to its intersection with the base line; thence east along said base line to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence north to the point of beginning. Atoka is hereby designated the County Seat of Atoka County.

Beaver County: Beginning at the point where the one hundredth (100th) meridian intersects the south line of the State of Kansas; thence westward along the south line of the State of Kansas to its intersection with the range line between ranges nineteen (19) and twenty (20) East of Cimarron meridian; thence south along said range line to its intersection with the north boundary line of the State of Texas; thence eastward along the boundary line between Texas and Oklahoma to its intersection with the one hundredth (100th) meridian; thence north along said one hundredth (100th) meridian to the point of beginning. Beaver is hereby designated the County Seat of Beaver County.

Beckham County: Beginning on the State line between Texas and Oklahoma at its intersection with the east and west center section line across township eleven (11) North; thence east along said section line to its intersection with the range line between ranges twenty-two (22) and twenty-three (23) West; thence north along the said range line to its intersection with the east and west center section line across township twelve (12) North; thence east along said section line to its intersection with the range line between ranges twenty (20) and twenty-one (21) West; thence south along said range line to its intersection with the township line between townships seven (7) and eight (8) North; thence west along said township line to its intersection with the center line of the North Fork of Red River; thence up along the center line of said river to its most westerly intersection with the township line between townships seven (7) and eight (8) North; thence west along said township line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) West; thence south along said range line to its intersection with the township line between townships six (6) and seven (7) North; thence west along said township line to its intersection with the state line between Texas and Oklahoma; thence north along said state line to the point of beginning. Sayre is hereby designated the County Seat of Beckham County.

Blaine County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed by the provisions of this Constitution. Watonga is hereby designated the County Seat of Blaine County.

Bryan County: Beginning on the township line between townships four (4) and five (5) South, at its intersection with the boundary line between the Chickasaw and the Choctaw nations; thence east along said township line to its intersection with the center line of Clear Boggy Creek; thence down along the center line of said Clear Boggy Creek to its intersection with the north and south center section line across range thirteen (13) East; thence south along said center section line to its intersection with the center line of Whitegrass Creek; thence down along the center line of said Whitegrass Creek to its intersection with the state line between Texas and Oklahoma; thence westward along said state line to the center line of the mouth of the Washita River; thence up along the center line of the said Washita River to its intersection with the east and west center section line of township five (5) South; thence east along said center section line to its intersection with the boundary line between the Chickasaw and the Choctaw nations; thence north along said boundary line to the point of beginning. Durant is hereby designated the County Seat of Bryan County.

Caddo County: Beginning on the range line between ranges thirteen (13) and fourteen (14) West, at its intersection with the township line between townships twelve (12) and thirteen (13) North; thence east along said township line to its intersection with the range line between ranges ten (10) and eleven (11) West; thence south along said range line to its intersection with the township line between townships ten (10) and eleven (11) North; thence east along said township line to its intersection with the center line of the Canadian River; thence down along the center line of said Canadian River to its intersection with the ninety-eighth (98th) meridian; thence south along said ninety-eighth (98th) meridian to its intersection with the east and west center section line across township eight (8) North; thence west along said center section line to its intersection with the range line between ranges eight (8) and nine (9) West; thence south along said range line to its intersection with the township line between townships four (4) and five (5) North; thence west along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) West; thence north along said range line to the point of beginning. Anadarko is hereby designated the County Seat of Caddo County.

Canadian County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed by the provisions of this Con-



stitution. El Reno is hereby designated the County Seat of Canadian County.

Carter County: Beginning on the base line at its intersection with the range line between ranges three (3) and four (4) West; thence east along said base line to its intersection with the range line between ranges one (1) and two (2) West; thence south along said range line to its intersection with the east and west center section line of township two (2) South; thence east along said center section line to its intersection with the center line of the Washita River; thence southwardly along the center line of said Washita River to its intersection with the township line between townships two (2) and three (3) South; thence east along the said township line to its intersection with the range line between ranges three (3) and four (4) East; thence south along said range line to the northeast corner of section thirty-six (36), township four (4) South, range three (3) East; thence west to the northwest corner of section thirty-five (35) in said township and range; thence south along the section line to its intersection with the township line between townships five (5) and six (6) South; thence west along said township line to its intersection with the range line between ranges three (3) and four (4) West; thence north along said range line to the point of beginning. Ardmore is hereby designated the County Seat of Carter County.

Cherokee County: Beginning at the northwest corner of township nineteen (19) North, range twenty-one (21) East; thence east along the township line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) East; thence south along said range line to its intersection with the township line between townships thirteen (13) and fourteen (14) North; thence west along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence north along said range line to its intersection with the township line between townships fifteen (15) and sixteen (16) North; thence west along said township line to its intersection with the center line of the Grand River; thence up along the center line of said Grand River to its intersection with the township line between townships eighteen (18) and nineteen (19) North; thence east along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence north along the said range line to the point of beginning. Tahlequah is hereby designated the County Seat of Cherokee County.

Choctaw County: Beginning on the center line of Clear Boggy Creek at its intersection with the township line between townships four (4) and five (5) South; thence east along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence south along said range line to its intersection with the state line between Texas and Oklahoma; thence westwardly along said state line to the center of the mouth of Whitegrass Creek; thence up along the center line of said Whitegrass Creek to its intersection with the north and south center section line across range thirteen (13) East; thence north along said center section line to its intersection with the center line of Clear Boggy Creek; thence up along the center line of said Clear Boggy Creek to the point of beginning. Hugo is hereby designated the County Seat of Choctaw County.

Cimarron County: Beginning on the state line between Kansas and Oklahoma at its intersection with the range line between ranges nine (9) and ten (10) East of the Cimarron Meridian; thence westward along the state line of Kansas and of Colorado to its intersection with the Cimarron Meridian; thence south along the Cimarron Meridian to its intersection with the north boundary line of the State of Texas; thence eastward along the Texas state line to its intersection with the range line between ranges nine (9) and ten (10) East of the Cimarron Meridian; thence north along said range line to the point of beginning. Kenton is hereby designated the County Seat of Cimarron County.

Cleveland County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Norman is hereby designated the County Seat of Cleveland County.

Coal County: Beginning at the northwest corner of township three (3) North, range nine (9) East; thence east along the township line between townships three (3) and four (4) North, to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence south along said range line to its intersection with the base line; thence west along said base line to its intersection with the north and south center section line across range eleven (11) East; thence south along said center section line to its intersection with the township line between townships one (1) and two (2) South; thence west along said township line to its intersection with the range line between ranges seven (7) and eight (8) East; thence north along said range line to its intersection with the township line between townships two (2) and three (3) North; thence east along said township line to its intersection with the range line between ranges eight (8) and nine (9) East; thence north along said range line to the point of beginning. Lehigh is hereby designated the County Seat of Coal County.

Comanche County: Beginning on the township line between townships four (4) and five (5) North, at its intersection with the range line between ranges



fifteen (15) and sixteen (16) West; thence east along said township line to its intersection with the range line between ranges eight (8) and nine (9) West; thence south along said range line to its intersection with the township line between townships two (2) and three (3) North; thence west along said township line to its intersection with the north and south center section line across range nine (9) West; thence south along said center section line to its intersection with the state line between Texas and Oklahoma; thence west along said state line to its intersection with the range line between ranges thirteen (13) and fourteen (14) West; thence north along said range line to its intersection with the north line of township three (3) South; thence west along said township line to the north and south center section line across range fourteen (14) West; thence north along said center section line to the base line; thence west along the base line to the range line between ranges fifteen (15) and sixteen (16) West; thence north along said range line to the point of beginning. Lawton is hereby designated the County Seat of Comanche County.

Craig County: Beginning on the state line between Kansas and Oklahoma at its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence eastward along said state line to its intersection with the center line of the Neosho River; thence down along the center line of said Neosho River to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence south along said range line to its intersection with the township line between townships twenty-three (23) and twenty-four (24) North; thence west along said township line to its intersection with the range line between ranges eighteen (18) and nineteen (19) East; thence north along said range line to its intersection with the township line between townships twenty-four (24) and twenty-five (25) North; thence west along said township line to its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence north along said range line to the point of beginning. Vinita is hereby designated the County Seat of Craig County.

Custer County: Said County to be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Arapaho is hereby designated the County Seat of Custer County.

Delaware County: Beginning at the southwest corner of section six (6), township twenty-five (25) North, range twenty-two (22) East; thence east along the section line to the Missouri state line; thence southward along the state line of Missouri and of Arkansas to the township line between townships nineteen (19) and twenty (20) North; thence west along said township line to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence north along said range line to the point of beginning. Grove is hereby designated the County Seat of Delaware County.

Dewey County: Said County to be and remain as it now exists under the Territory of Oklahoma, until hereafter changed by the provisions of this Constitution. Taloga is hereby designated the County Seat of Dewey County.

Ellis County: Beginning on the one hundredth (100th) meridian at its intersection with the township line between townships twenty-four (24) and twenty-five (25) North; thence east along said township line to the range line between ranges twenty-two (22) and twenty-three (23) West; thence south along said range line to its intersection with the township line between townships nineteen (19) and twenty (20) North; thence east along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) West; thence south along said range line to its intersection with the center line of the Canadian River (sometimes called South Canadian); thence up along the center line of said river to its intersection with the state line between Texas and Oklahoma; thence north along said state line and the one hundredth (100th) meridian to the point of beginning. Grand is hereby designated the County Seat of Ellis County.

Garfield County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Enid is hereby designated the County Seat of Garfield County.

Garvin County: Beginning on the range line between ranges four (4) and five (5) West, at its intersection with the township line between townships four (4) and five (5) North; thence east along said township line to its intersection with the range line between ranges three (3) and four (4) East; thence south along said range line to its intersection with east and west center section line across township two (2) North; thence west along said center section line to its intersection with the range line between ranges one (1) and two (2) East; thence south along said range line to its intersection with the section line, two (2) miles north of and parallel to the township line between townships one (1) and two (2) North; thence west along said section line to its intersection with the center line of the Washita River; thence southward along the center line of the said Washita River to its intersection with the base line; thence west along said base line to its intersection with the range line between ranges three (3) and four (4) West; thence north along said range line to its intersection with the

township line between townships two (2) and three (3) North; thence west along said township line to its intersection with the range line between ranges four (4) and five (5) West; thence north along said range line to the point of beginning. Pauls Valley is hereby designated the County Seat of Garvin County.

Grady County: Beginning on the center line of the Canadian River (sometimes called South Canadian), at its intersection with the ninety-eighth (98th) meridian; thence southeasterly along the center line of said Canadian River to its intersection with the range line between ranges four (4) and five (5) West; thence south along said range line to its intersection with the township line between townships two (2) and three (3) North; thence west along said township line to its intersection with the range line between ranges eight (8) and nine (9) West; thence north along said range line to the east and west center section line across township eight (8) North; thence east along said center section line to its intersection with the ninety-eighth (98th) meridian; thence north along said ninety-eighth (98th) meridian to the point of beginning. Chickasha is hereby designated the County Seat of Grady County.

Grant County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Pond Creek is hereby designated the County Seat of Grant County.

Greer County: Beginning on the state line between Texas and Oklahoma at its intersection with the township line between townships six (6) and seven (7) North; thence east along said township line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) West; thence north along said range line to its intersection with the township line between townships seven (7) and eight (8) North; thence east along said township line to its intersection with the center line of the North Fork of Red River; thence down along the center line of said North Fork of Red River to its intersection with the range line between ranges nineteen (19) and twenty (20) West; thence south along said range line to its intersection with the east and west center section line of township four (4) North; thence west along said center section line to the north and south center section line across range twenty-one (21) West; thence south along said center section line to its intersection with the township line between townships three (3) and four (4) North; thence west along said township line to its intersection with the center line of the Salt Fork of Red River; thence down along the center line of said river to its intersection with the east and west center section line of township three (3) North; thence west along said center section line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) West; thence south along said range line to its intersection with the base line; thence west along said base line to its intersection with the state line between Texas and Oklahoma; thence westward and northward along said state line to the point of beginning. Mangum is hereby designated the County Seat of Greer County.

Harper County: Beginning on the one hundredth (100th) meridian at its intersection with the Kansas and Oklahoma state line; thence east along said state line to its second intersection with the center line of the Cimarron River, in range twenty-one (21) West; thence southeasterly along the center line of said Cimarron River to its intersection with the range line between ranges nineteen (19) and twenty (20) West; thence south along said range line to its intersection with the township line between townships twenty-four (24) and twenty-five (25) North; thence west along said township line to its intersection with the one hundredth (100th) meridian; thence north along said meridian to the point of beginning. Buffalo is hereby designated the County Seat of Harper County.

Haskell County: Beginning on the center line of the Canadian River at its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence down along the center line of said Canadian River to its intersection with the center line of the Arkansas River; thence down along the center line of said Arkansas River to its intersection with range line between ranges twenty-three (23) and twenty-four (24) East; thence south along the said range line to its intersection with the township line between townships eight (8) and nine (9) North; thence west along said township line to its intersection with the range line between ranges twenty-two (22) and twenty-three (23) East; thence south along said range line to the northeast corner of section twenty-five (25), township seven (7) North, range twenty-two (22) East; thence west along the section line to its intersection with the range line between ranges eighteen (18) and nineteen (19) East; thence north along said range line to its intersection with the east and west center section line across township eight (8) North; thence west along said center section line to its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence north along said range line to the point of beginning. Stigler is hereby designated the County Seat of Haskell County.

Hughes County: Beginning on the township line between townships nine (9) and ten (10) North, at the southwest corner of section thirty-five (35), township ten (10) North, range eight (8) East; thence east along said township line to its

intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence south along said range line to its intersection with the center line of the Canadian River (sometimes called South Canadian); thence up along the center line of said Canadian River to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence south along said range line to its intersection with the township line between townships three (3) and four (4) North; thence west along said township line to its intersection with the range line between ranges eight (8) and nine (9) East; thence north along said range line to its intersection with the center line of the Canadian River; thence up along the center line of said Canadian River to its intersection with the east line of the Seminole nation; thence north along the said east line of the Seminole nation to its intersection with the township line between townships seven (7) and eight (8) North; thence east along said township line to the southwest corner of section thirty-five (35), township eight (8) North, range eight (8) East; thence north to the point of beginning. Holdenville is hereby designated the County Seat of Hughes County.

Jackson County: Beginning on the range line between ranges nineteen (19) and twenty (20) West, at its intersection with the center line of the North Fork of Red River; thence down along the center line of said river to the state line between Texas and Oklahoma; thence westwardly along said state line to its intersection with the base line; thence east along said base line to its intersection with the range line between ranges twenty-three (23) and twenty-four (24) West; thence north along said range line to its intersection with the east and west center section line of township three (3) North; thence east along said center section line to its intersection with the center line of Salt Fork of Red River; thence up along the center line of said river to its intersection with the township line between townships three (3) and four (4) North; thence east along said township line to the southeast corner of section thirty-three (33), township four (4) North, range twenty-one (21) West; thence north to the southwest corner of section fifteen (15) of said township and range; thence east along the section line to its intersection with the range line between ranges nineteen (19) and twenty (20) West; thence north along said range line to the point of beginning. Altus is hereby designated the County Seat of Jackson County.

Jefferson County: Beginning at the southwest corner of section fifteen (15) township three (3) South, range nine (9) West; thence east along the section line to its intersection with the range line between ranges three (3) and four (4) West; thence south along said range line to its intersection with the center line of Mud Creek; thence southeastwardly along the center line of said Mud Creek to the state line between Texas and Oklahoma; thence westwardly along said state line to its intersection with the north and south center section line of range nine (9) West; thence north along said center section line to the point of beginning. Ryan is hereby designated the County Seat of Jefferson County.

Johnston County: Beginning on the base line at the southeast corner of section thirty-three (33), township one (1) North, range four (4) East; thence east along said base line to its intersection with the range line between ranges seven (7) and eight (8) East; thence south along said range line to its intersection with the township line between townships one (1) and two (2) South; thence east along said township line to its intersection with the range line between ranges eight (8) and nine (9) East; thence south along said range line to its intersection with the township line between townships four (4) and five (5) South; thence west along said township line to its intersection with the boundary line between the Choctaw and the Chickasaw nations; thence south along said boundary line to its intersection with the east and west center section line across township five (5) South; thence west along said center section line to its intersection with the center line of the Washita River; thence up along the center line of said Washita River to its intersection with the section line one mile north of and parallel to the township line between townships four (4) and five (5) South; thence west along said section line to its intersection with the range line between ranges three (3) and four (4) East; thence north along said range line to its intersection with the township line between townships two (2) and three (3) South; thence east along said township line to its intersection with the north and south center section line across range four (4) East; thence north along said center section line to the point of beginning. Tishomingo is hereby designated the County Seat of Johnston County.

Kay County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Newkirk is hereby designated the County Seat of Kay County.

Kingfisher County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Kingfisher is hereby designated the County Seat of Kingfisher County.

Kiowa County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this



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Logan County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Guthrie is hereby designated the County Seat of Logan County.

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Major County: Beginning on the township line between townships twenty-three (23) and twenty-four (24) North, at its intersection with the range line between ranges sixteen (16) and seventeen (17) West; thence east along said township line to its intersection with the center line of the Cimarron River; thence down along the center line of said Cimarron River to its intersection with the range line between ranges twelve (12) and thirteen (13) West; thence north along said range line to its intersection with the east and west center section line of township twenty-three (23) North; thence east along said center section line to its intersection with the range line between ranges eight (8) and nine (9) West; thence south along said range line to the north line of Kingfisher County; thence westward along the north line of Kingfisher, Blaine and Dewey Counties



to the intersection with the range line between ranges sixteen (16) and seventeen (17) West; thence north along said range line to the point of beginning. Fairview is hereby designated the County Seat of Major County.

Marshall County: Beginning at the northwest corner of section thirty-five (35), in township four (4) South, range three (3) East; thence east along the section line to its intersection with the center line of the Washita River; thence down along the center line of said Washita River to its intersection with the state line between Texas and Oklahoma; thence westward along said state line to its intersection with the range line between ranges three (3) and four (4) East; thence north along said range line to the northeast corner of section twenty-five (25), township six (6) South, range three (3) East; thence west along the section line to the northwest corner of section twenty-six (26) in said township and range; thence north to the point of beginning. Madill is hereby designated the County Seat of Marshall County.

Mayes County: Beginning on the township line between townships twenty-three (23) and twenty-four (24) North, at its intersection with the range line between ranges seventeen (17) and eighteen (8) East; thence east along said township line to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence south along said range line to its intersection with the township line between townships nineteen (19) and twenty (20) North; thence west along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence south along said range line to its intersection with the township line between townships eighteen (18) and nineteen (19) North; thence west along said township line to its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence north along said range line to the point of beginning. Pryor Creek is hereby designated the County Seat of Mayes County.

Creek County: Beginning at the northwest corner of the Creek nation, extending thence east along the boundary line between the Creek nation and Pawnee county to its intersection with the range line between ranges nine (9) and ten (10) East; thence south along said range line to the township line between townships eighteen (18) and nineteen (19) North; thence east along the said township line to its intersection with the north and south center section line across range twelve (12) East; thence south along said center section line to the south-east corner of section sixteen (16), in township sixteen (16) North, range twelve (12) East; thence west along the section line to its intersection with the range line between ranges ten (10) and eleven (11) East; thence south along said range line to its intersection with the township line between townships thirteen (13) and fourteen (14) North; thence west along said township line to its intersection with the west boundary line of the Creek nation; thence northward along the said boundary line to the point of beginning. Sapulpa is hereby designated the County Seat of Creek County.

Murray County: Beginning on the base line at its intersection with the range line between ranges one (1) and two (2) West; thence east along said base line to its intersection with the center line of the Washita River; thence up along the center line of said Washita River to its intersection with the section line two (2) miles north of and parallel to the township line between townships one (1) and two (2) North; thence east along said section line to its intersection with the range line between ranges one (1) and two (2) East; thence north along said range line to its intersection with the east and west center section line across township two (2) North; thence east along said center section line to its intersection with the range line between ranges three (3) and four (4) East; thence south along said range line to its intersection with the township line between townships one (1) and two (2) North; thence east along said township line to its intersection with the range line between ranges four (4) and five (5) East; thence south along said range line to its intersection with the base line; thence west along said base line to its intersection with the north and south center section line across range four (4) East; thence south along said center section line to its intersection with the township line between townships two (2) and three (3) South; thence west along said township line to its intersection with the center line of the Washita River; thence up along the center line of said Washita River to its intersection with the east and west center section line across township two (2) South; thence west along said center section line to its intersection with the range line between ranges one (1) and two (2) West; thence north along said range line to the point of beginning. Sulphur is hereby designated the County Seat of Murray County.

Muskogee County: Beginning on the range line between ranges fourteen (14) and fifteen (15) East, at its intersection with the east and west center section line of township sixteen (16) North, range fifteen (15) East; thence east along said center section line to its intersection with the Arkansas River; thence down along the center line of said Arkansas River to its second intersection with the township line between townships fifteen (15) and sixteen (16) North, in range eighteen (18) East; thence east along said township line to its intersection with

the range line between ranges twenty (20) and twenty-one (21) East; thence south along said range line to its intersection with the center line of the Arkansas River; thence down along the center line of said Arkansas River to its intersection with the center line of the Canadian River; thence up along the center line of said Canadian River to its intersection with the range line between ranges eighteen (18) and nineteen (19) East; thence north along said range line to its intersection with the township line between townships twelve (12) and thirteen (13) North; thence west along said township line to the north and south center section line of township thirteen (13) North, range fifteen (15) East; thence north along said center section line to its intersection with the township line between townships fourteen (14) and fifteen (15) North; thence west along said township line to its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence north along said range line to the point of beginning. Muskogee is hereby designated the County Seat of Muskogee County.

McClain County: Beginning on the center line of the Canadian River (sometimes called South Canadian), at its intersection with the range line between ranges four (4) and five (5) West; thence down along the center line of said Canadian River to its intersection with the range line between ranges three (3) and four (4) East; thence south along said range line to its intersection with the township line between townships four (4) and five (5) North; thence west along said township line to its intersection with the range line between ranges four (4) and five (5) West; thence north along said range line to the point of beginning. Purcell is hereby designated the County Seat of McClain County.

McCurtain County: Beginning on the base line at its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence east along said base line to its intersection with the state line between Arkansas and Oklahoma; thence southward along said state line to its intersection with the state line between Texas and Oklahoma; thence northwestward along said state line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence north along said range line to its intersection with the township line between townships three (3) and four (4) South; thence east along said township line to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence north along said range line to the point of beginning. Idabel is hereby designated the County Seat of McCurtain County.

McIntosh County: Beginning on the township line between townships twelve (12) and thirteen (13) North, at its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence east along said township line to its intersection with the range line between ranges eighteen (18) and nineteen (19) East; thence south along said range line to its intersection with the center line of the Canadian River; thence up along the center line of said Canadian River to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence north along said range line to its intersection with the township line between townships nine (9) and ten (10) North; thence west along said township line to its intersection with the range line between ranges twelve (12) and thirteen (13) East; thence north along said range line to its intersection with the township line between townships ten (10) and eleven (11) North; thence east along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence north along said range line to the point of beginning. Eufaula is hereby designated the County Seat of McIntosh County.

Noble County: Said county shall be as it now exists under the Territory of Oklahoma, with township twenty (20) North, range one (1) East, and township twenty (20) North, range one (1) West, added thereto. Perry is hereby designated the County Seat of Noble County.

Nowata County: Beginning on the state line between Kansas and Oklahoma at its intersection with the north and south center section line of range fourteen (14) East; thence eastward along said state line to its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence south along said range line to its intersection with the township line between townships twenty-four (24) and twenty-five (25) North; thence west along said township line to its intersection with the north and south center section line across range fourteen (14) East; thence north along said center section line to the point of beginning. Nowata is hereby designated the County Seat of Nowata County.

Okfuskee County: Beginning on the west boundary line of the Creek nation at its intersection with the township line between townships thirteen (13) and fourteen (14) North; thence east along said township line to its intersection with the range line between ranges ten (10) and eleven (11) East; thence south along said range line to its intersection with the township line between townships twelve (12) and thirteen (13) North; thence east along said township line to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence south along said range line to its intersection with the township line between townships ten (10) and eleven (11) North; thence east along said township line to its intersection with the range line between ranges twelve (12)

and thirteen (13) East; thence south along said range line to its intersection with the township line between townships nine (9) and ten (10) North; thence west along said township line to its intersection with section line two (2) miles west of and parallel to the range line between ranges eight (8) and nine (9) East; thence north along said section line to its intersection with the center line of the North Fork of the Canadian River; thence up along the center line of said river to the southwest corner of the Creek Nation in township eleven (11) North; thence along the west boundary line of said Creek nation to the point of beginning. Okemah is hereby designated the County Seat of Okfuskee County.

Oklahoma County: Said county shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Oklahoma City is hereby designated the County Seat of Oklahoma County.

Oklmulgee County: Beginning on the range line between ranges ten (10) and eleven (11) East, at its intersection with the east and west center section line across township sixteen (16) North; thence east along said center section line to its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence south along said range line to its intersection with the township line between townships fourteen (14) and fifteen (15) North; thence east along said township line to its intersection with the north and south center section line across range fifteen (15) East; thence south along said center section line to its intersection with the township line between townships twelve (12) and thirteen (13) North; thence west along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence south along said range line to its intersection with the township line between townships ten (10) and eleven (11) North; thence west along said township line to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence north along said range line to its intersection with the township line between townships twelve (12) and thirteen (13) North; thence west along said township line to its intersection with the range line between ranges ten (10) and eleven (11) East; thence north along said range line to the point of beginning. Okmulgee is hereby designated the County Seat of Okmulgee County.

Osage County: The Osage Indian Reservation with its present boundaries is hereby constituted one county to be known as Osage County; the present boundaries to remain unchanged until all the land of the Osage tribe of Indians shall have been allotted, and until the same shall be changed as provided by the Legislature for the changing of county lines. Pawhuska is hereby designated the County Seat of Osage County.

Ottawa County: Beginning on the state line between Kansas and Oklahoma at its intersection with the center line of the Neosho River; thence east along said state line to its intersection with the Missouri state line; thence southward along the Missouri state line to its intersection with the section line one mile south of and parallel to the south line of township twentysix (26) North; thence west along said section line to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence north along said range line to its intersection with the center line of the Neosho River; thence up along the center line of said Neosho River to the point of beginning. Miami is hereby designated the County Seat of Ottawa County.

Pawnee County: Said County shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Pawnee is hereby designated the County Seat of Pawnee County.

Payne County: Said County shall be as it now exists under the Territory of Oklahoma, with township twenty (20) North, range one (1) East, and township twenty (20) North, range one (1) West, taken therefrom. Stillwater is hereby designated the County Seat of Payne County.

Pittsburg County: Beginning on the center line of the Canadian River (sometimes called South Canadian), at its intersection with the range line between ranges eleven (11) and twelve (12) East; thence down along the center line of said Canadian River to its intersection with the range line between ranges seventeen (17) and eighteen (18) East; thence south along said range line to its intersection with the east and west center section line of township eight (8) North; thence east along said center section line to its intersection with the range line between ranges eighteen (18) and nineteen (19) East; thence south along said range line to its intersection with the township line between townships six (6) and seven (7) North; thence west along said township line to its intersection with the north and south center section line across range seventeen (17) East; thence south along said center section line to its intersection with the township line between townships one (1) and two (2) North; thence west along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence north along said range line to its intersection with the township line between townships two (2) and three (3) North; thence west along said township line to its intersection with the range line between ranges eleven (11) and twelve (12) East; thence north along said range line to the point of beginning. McAlester is hereby designated the



County Seat of Pittsburg County.

Pontotoc County: Beginning on the center line of the Canadian River (sometimes called South Canadian), at its intersection with the range line between ranges three (3) and four (4) East; thence down along the center line of said Canadian River to its intersection with the range line between ranges eight (8) and nine (9) East; thence south along said range line to its intersection with the township line between townships two (2) and three (3) North; thence west along said township line to its intersection with the range line between ranges seven (7) and eight (8) East; thence south down along said range line to its intersection with the base line; thence west along said base line to its intersection with the range line between ranges four (4) and five (5) East; thence north along said range line to its intersection with the township line between townships one (1) and two (2) North; thence west along said township line to its intersection with the range line between ranges three (3) and four (4) East; thence north along said range line to the point of beginning. Ada is hereby designated the County Seat of Pontotoc County.

Pottawatomie County: Said county shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Tecumseh is hereby designated the County Seat of Pottawatomie County.

Pushmataha County: Beginning on the township line between townships two (2) and three (3) North, at its intersection with the north and south center section line across range seventeen (17) East; thence east along said township line to its intersection with the range line between ranges twenty-two (22) and twenty-three (23) East; thence south along said range line to its intersection with the base line; thence west along said base line to its intersection with the range line between ranges twenty-one (21) and twenty-two (22) East; thence south along said range line to its intersection with the township line between townships three (3) and four (4) South; thence west along said township line to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence south along said range line to its intersection with the township line between townships four (4) and five (5) South; thence west along said township line to its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence north along said range line to its intersection with the base line; thence east along said base line to its intersection with the range line between ranges fifteen (15) and sixteen (16) East; thence north along said range line to its intersection with the township line between townships one (1) and two (2) North; thence east along said township line to its intersection with the north and south center section line across range seventeen (17) East; thence north along said center section line to the point of beginning. Antlers is hereby designated the County Seat of Pushmataha County.

Roger Mills County: Beginning on the state line between Texas and Oklahoma at its intersection with the center line of the Canadian River (sometimes called South Canadian); thence down along the center line of said river to its intersection with the range line between ranges twenty (20) and twenty-one (21) West; thence south along said range line to its intersection with the east and west center section line across township twelve (12) North; thence west along said section line to its intersection with the range line between ranges twenty-two (22) and twenty-three (23) West; thence south along said range line to its intersection with the east and west center section line across township eleven (11) North; thence west along said section line to its intersection with the state line between Texas and Oklahoma; thence northward along said state line to the point of beginning. Cheyenne is hereby designated the County Seat of Roger Mills County.

Rogers County: Beginning on the township line between townships twenty-four (24) and twenty-five (25) North, at its intersection with the north and south center section line across range fourteen (14) East; thence east along said township line to the range line between ranges eighteen (18) and nineteen (19) East; thence south along said range line to the township line between townships twenty-three (23) and twenty-four (24) North; thence west along said township line to the range line between ranges seventeen (17) and eighteen (18) East; thence south along said range line to its intersection with the township line between townships eighteen (18) and nineteen (19) North; thence west along said township line to its intersection with the center line of the Verdigris River; thence up along the center line of said Verdigris River to its intersection with the township line between townships nineteen (19) and twenty (20) North; thence west along said township line to its intersection with the north and south center section line across range fourteen (14) East; thence north along said center section line to the township line between townships twenty-one (21) and twenty-two (22) North; thence west along said township line to the range line between ranges thirteen (13) and fourteen (14) East; thence north along said range line to the township line between townships twenty-two (22) and twenty-three (23) North; thence east along said township line to the north and south center section line across range fourteen (14) East; thence north along said center section line to the point of beginning. Claremore is hereby designated the



## County Seat of Rogers County.

Seminole County: Beginning at a point where the east boundary line of the Seminole nation intersects the center line of the South Canadian River; thence north along the east boundary line of said Seminole nation to its intersection with the township line between townships seven (7) and eight (8) North; thence east along said township line to the southwest corner of section thirty-five (35), township eight (8) North, range eight (8) East; thence north along the section line between section thirty-four (34) and thirty-five (35), in said township and range, projected to its intersection with the center line of the North Canadian River; thence westward along the center line of said river to its intersection with the east boundary line of Pottawatomie County; thence southward along said east boundary line to its intersection with the center line of the South Canadian River; thence down along the center line of said river to the point of beginning. Wewoka is hereby designated the County Seat of Seminole County.

Sequoyah County: Beginning on the township line between townships thirteen (13) and fourteen (14) North, at its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence east along said township line to its intersection with the state line between Arkansas and Oklahoma; thence southward along said state line to its intersection with the center line of the Arkansas River; thence up along the center line of said Arkansas River to its intersection with the range line between ranges twenty (20) and twenty-one (21) East; thence north along said range line to the point of beginning. Sallisaw is hereby designated the County Seat of Sequoyah County.

Stephens County: Beginning on the township line between townships two (2) and three (3) North, at its intersection with the north and south center section line across range nine (9) West; thence east along said township line to its intersection with the range line between ranges three (3) and four (4) West; thence south along said range line to its intersection with the east and west center section line across township three (3) South; thence west along said center section line to its intersection with the north and south center section line across range nine (9) West; thence north along said center section line to the point of beginning. Duncan is hereby designated the County Seat of Stephens County.

Texas County: All that part of the former county of Beaver, Territory of Oklahoma, extending from the range line between ranges nineteen (19) and twenty (20) East of the Cimarron Meridian, to the range line between ranges nine (9) and ten (10) East of the Cimarron Meridian. Guymon is hereby designated the County Seat of Texas County.

Tillman County: Beginning on the base line at its intersection with the center line of the North Fork of Red River; thence east along said base line to its intersection with the north and south center section line across range fourteen (14) West; thence south along said center section line to its intersection with the township line between townships two (2) and three (3) South; thence east along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) West; thence south along said range line to its intersection with the state line between Texas and Oklahoma; thence westwardly and northwardly along said state line to its intersection with the center line of the mouth of the North Fork of Red River; thence up along the center line of said North Fork of Red River to the point of beginning. Frederick is hereby designated the County Seat of Tillman County.

Tulsa County: Beginning at the northeast corner of township nineteen (19) ranges fourteen (14) and fifteen (15) East, to its intersection with the township line between townships seventeen (17) and eighteen (18) North; thence west along said township line to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence south along said range line to its intersection with the east and west center section line across township sixteen (16) North; thence west along said center section line to its intersection with the north and south center section line across range twelve (12) East; thence north along said center section line to its intersection with the township line between townships eighteen (18) and nineteen (19) North; thence west along said township line to its intersection with the range line between ranges nine (9) and ten (10) East; thence north along said range line to its intersection with the north boundary line of the Creek nation; thence eastward along said boundary line to the southeast corner of the Osage nation; thence north along the east boundary line of the Osage nation to its intersection with the township line between townships twenty-two (22) and twenty-three (23) North; thence east along said township line to the range line to the range line between ranges thirteen (13) and fourteen (14) East; thence south along said range line to its intersection with the township line between townships twenty-one (21) and twenty-two (22) North; thence east along said township line to its intersection with the north and south center section line across range fourteen (14) East; thence south along said center section line to its intersection with the township line between townships nineteen (19) and twenty (20) North; thence east along

said township line to the point of beginning. Tulsa is hereby designated the County Seat of Tulsa County.

**Wagoner County:** Beginning on the township line between townships nineteen (19) and twenty (20) North, at its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence east along said township line to its intersection with the center line of the Verdigris River; thence down along the center line of said river to its intersection with the township line between townships eighteen (18) and nineteen (19) North thence east along said township line to its intersection with the center line of the Grand River; thence down along the center line of said Grand River to its intersection with the township line between townships fifteen (15) and sixteen (16) North; thence west along said township line to its intersection with the center line of the Arkansas River in range eighteen (18) East, to correspond with the description of Muskogee county; thence up along the center line of said Arkansas River to its intersection with the east and west center section line across township sixteen (16) North, range fifteen (15) East; thence west along said center section line to its intersection with the range line between ranges thirteen (13) and fourteen (14) East; thence north along said range line to its intersection with the township line between townships seventeen (17) and eighteen (18) North; thence east along said township line to its intersection with the range line between ranges fourteen (14) and fifteen (15) East; thence north along said range line to the point of beginning. Wagoner is hereby designated the County Seat of Wagoner County.

**Washington County:** Beginning on the state line between Kansas and Oklahoma at its intersection with the east boundary line of the Osage nation; thence eastward along said state line to its intersection with the north and south center section line across range fourteen (14) East; thence south along said center section line to its intersection with the township line between townships twenty-two (22) and twenty-three (23) North; thence west along said township line to its intersection with the east boundary line of the Osage nation; thence northward along said boundary line to the point of beginning. Bartlesville is hereby designated the County Seat of Washington County.

**Washita County:** Said county shall be and remain as it now exists under the Territory of Oklahoma, until hereafter changed under the provisions of this Constitution. Cordell is hereby designated the County Seat of Washita County.

**Woods County:** Beginning on the state line between Kansas and Oklahoma at its intersection with the center line of the Cimarron River in range twenty-one (21) West; thence eastward along said state line to its intersection with the range line between ranges twelve (12) and thirteen (13) West; thence south along said range line to its intersection with the center line of the Cimarron River; thence up along the center line of said Cimarron River to its intersection with the township line between townships twenty-three (23) and twenty-four (24) North; thence west along said township line to its intersection with the range line between ranges sixteen (16) and seventeen (17) West; thence north along said range line to its intersection with the center line of the Cimarron River; thence up along the center line of said Cimarron River to the point of beginning. Alva is hereby designated the County Seat of Woods County.

**Woodward County:** Beginning on the center line of the Cimarron River at its intersection with the range line between ranges nineteen (19) and twenty (20) West; thence southeastwardly along the center line of said Cimarron River to its intersection with the range line between ranges sixteen (16) and seventeen (17) West; thence south along said range line to its intersection with the south boundary line of said County, as it now exists under the Territory of Oklahoma; thence westward along said line to its intersection with the range line between ranges twenty-two (22) and twenty-three (23) West; thence north along said range line to its intersection with the township line between townships twenty-four (24) and twenty-five (25) North; thence east along said township line to its intersection with the range line between ranges nineteen (19) and twenty (20) West; thence north along said range line to the point of beginning. Woodward is hereby designated the County Seat of Woodward County.

#### Creating or Altering Counties.

Section 1. The Legislature shall provide by general laws for the creation of new counties or altering or changing lines and the equitable division of assets and of liabilities, and the original location of county seats in such new counties: Provided, That every such question shall be submitted to the vote of the qualified electors residing in the territory to be formed into such new county or transferred to another county, and shall be approved by sixty per centum of the votes cast in said election: Provided, That no new county shall be formed of less than four hundred square miles taxable area, nor with a population of less than fifteen thousand people, nor with taxable wealth less than two and one-half million dollars, as shown by the

current tax rolls. Nor shall any territory be taken from an existing county for any purpose bringing the newly created line of such existing county nearer than ten miles to the county seat thereof. Nor shall the taxable area, populaion, or taxable wealth of said existing county be reduced below that required for a new county. Nor shall any teritory, in any case, be transferred from one county to an existing county, if by such transfer of territory, the county for which the territory be taken will then be smaller in area than the county to which the addition is made: Provided, That when territory is to be transferred from an existing county to either a new or an existing county, there must be sixty per centum of the vote cast in such particular territory in favor of the transfer, and, in case the transfer be to an existing county, the acceptance of such territory must first be approved by a majority vote of the electors of said county, at an election to be called and held therefor, as may be provided by law. The limitation as to area, valuation, and population shall not be increased by the Legislature.

Sec. 2. Unorganized Counties. When, at any time hereafter, the aggregate value of all taxable property in any one county be a sum total less than two and one-half million dollars, upon petition of one-fourth or more of the qualified electors of such county, as shown by the last general election, signed, verified, and filed with the county comissioners thereof, not less than sixty days before the date of any general election, such county commissioners shall submit, upon the ballot at such next ensuing general election, to the qualified electors of the county, the question: "Shall the county be an unorganized county?" "Yes," or "No." If a majority of the votes cast on this question at such election shall be in the affirmative, such county shall thereafter be unorganized and be attached to and be a part of the adjoining county having the lowest valuation of taxable property, and shall so remain as a district in such county until such time as the qualified electors of such unorganized county shall, by similar petition and vote, declare in favor of separate organized county existence: Provided, However, that at all times during such unorganized existence, such county shall have four terms of county court at the county seat therein each year, and the judge of the county court shall appoint a clerk of the county court of said district, from among the qualified electors thereof, who shall keep and maintain his office at such county seat: Provided, Further, That while so unorganized, such county shall, in all respects, be part and parcel of the county with which it is united.

#### Removal of County Seats.

Sec. 5. The towns herein named as county seats shall be and remain the county seats of their respective counties until changed by vote of the qualified electors of such county, in the following manner:

(a) Upon a petition, or petitions in writing, signed by twenty-five per centum of the qualified electors of the county, such per centum to be determined by the total vote cast in such county for the head of the State ticket in the next preceding general election, said petition or petitions being verified by an affidavit showing that the petitioners are qualified electors of said county, and such petition or petitions having been filed with the Governor at any time after four months after the admission of the State into the Union, the Governor shall within thirty days issue his proclamation calling an election to be held in such county not less than sixty nor more than seventy days from the date of his proclamation.

Such election shall be held under the provisions of the election laws of the State, and upon such public notice of such election as the Governor in his proclamation may direct; and the Governor shall cause to be placed upon the tickets to be voted at such election, only the names of such



towns as may, more than twenty days prior to such election, file with the Governor verified petitions therefor, as above mentioned, signed by not less than three hundred qualified electors of said county.

(The word "town," as herein used, shall be construed to mean town, city, or place.)

(b) Upon the holding of any such election the board of canvassers shall certify and return said vote to the Governor, who shall thereupon at once declare the result and cause the will of the electors to be carried into effect: Provided, That in all elections for the removal of any of the county seats named in this Constitution the following rules shall govern, until the county seat is once located by vote of the people, but not later than the first day of January, nineteen hundred and nine: Provided Further, In case the necessary and proper petition for the holding of an election for the removal of a county seat shall be filed with the Governor, for over six months prior to the first day of January, 1909, in accordance with the foregoing provisions, and such election or elections are delayed or postponed on account of any injunction or legal proceedings then the time limit provided in the subdivision of this section, shall be extended the length of time that such election or elections are delayed or postponed by such injunction or legal proceedings:

If a majority of all the votes cast in the county at such county seat election shall be in favor of any town, such town shall thereafter be the county seat: Provided, However, That where the county seat named in this Constitution is within six miles of the geographical center of the county (said geographical center to be determined by certificate from the Secretary of State, and said distance to be determined by measurement from said geographical center to the nearest corporate limits of such county seat as they existed on the twenty-first day of January, nineteen hundred and seven), it shall require sixty per centum of the total vote cast at such election by the competing town to effect the removal of such county seat, unless such competing town be more than one mile nearer the geographical center of said county, in which event a majority vote shall suffice; but, if more than two towns are voted for and no town receive the requisite proportion of all the votes cast, then all names of towns voted for on said ballot, except the two receiving the greatest number of votes, shall be dropped; and the Governor shall, in like time and manner, cause to be called and held a second election, at which only the two towns which received the greatest number of votes cast at the first election shall be voted for; and the town receiving the requisite proportion of the votes cast at the second election shall be the county seat: Provided, That, after the first day of January, nineteen hundred and nine, all county seats shall be subject to removal under the above named provisions; but, the town to which removal is sought must receive two-thirds of all votes cast in such county at the election held therefor, and such elections shall not occur at intervals of less than ten years: Provided Further, That until after the first day of January, nineteen hundred and nine, no public money shall be expended for court house or jail construction unless a vote of the people of such county shall have been taken on the re-location of the county seat.

Sec. 6. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing town in such election, shall be deemed guilty of bribery.



## ARTICLE 18.

## Municipal Corporations.

Section 1. Municipal corporations shall not be created by special laws, but the Legislature, by general laws, shall provide for the incorporation and organization of cities and towns and the classification of same in proportion to population, subject to the provisions of this article.

Sec. 2. Every municipal corporation now existing within this State shall continue with all of its present rights and powers until otherwise provided by law, and shall always have the additional rights and powers conferred by this Constitution.

## Charters.

Sec. 3. (a). Any city containing a population of more than two thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of freeholders, composed of two from each ward, who shall be qualified electors of said city, to be elected by the qualified electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy of said charter to the chief executive officer of such city, and the other to the Register of Deeds of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published and of general circulation within said city, for at least twenty-one days, if in a daily paper, or in three consecutive issues, if in a weekly paper, and the first publication shall be made within twenty days after the completion of the charter; and within thirty days, and not earlier than twenty days after such publication, it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Governor for his approval, and the Governor shall approve the same if it shall not be in conflict with the Constitution and laws of this State. Upon such approval it shall become the organic law of such city and supersede any existing charter and all amendments thereof and all ordinances inconsistent with it. A copy of such charter, certified by the chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them shall, after the approval of such charter by the Governor, be made in duplicate and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of said Register of Deeds, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided) at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the Governor as herein provided for the approval of the charter.

Sec. 3. (b.) An election of such board of freeholders may be called at any time by the legislative authority of any such city, and such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding the same, signed by a number of qualified electors residing within such city, equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election; and such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question of whether or not further

proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceeding shall be had, and all proceedings up to that time shall be of no effect.

#### Initiative and Referendum.

Sec. 4. (a.) The powers of the initiative and referendum, reserved by this Constitution to the people of the State and the respective counties and districts therein, are hereby reserved to the people of every municipal corporation now existing or which shall hereafter be created within this State, with reference to all legislative authority which it may exercise, and amendments to charters for its own government in accordance with the provisions of this Constitution.

Sec. 4. (b.) Every petition for either the initiative or referendum in the government of a municipal corporation shall be signed by a number of qualified electors residing within the territorial limits of such municipal corporation, equal to twenty-five per centum of the total number of votes cast at the next preceding election, and every such petition shall be filed with the chief executive officer of each municipal corporation.

Sec. 4. (c.) When such petition demands the enactment of an ordinance or other legal act other than the grant, extension or renewal of a franchise, the chief executive officer shall present the same to the legislative body of such corporation at its next meeting, and unless the said petition shall be granted more than thirty days before the next election at which any city officers are to be elected, the chief executive officer shall submit the said ordinance or act so petitioned for, to the qualified electors at said election; and if a majority of said electors voting thereon shall vote for the same, it shall thereupon become in full force and effect.

Sec. 4. (d.) When such petition demands a referendum vote upon any ordinance or any other legal act other than the grant, extension, or renewal of a franchise, the chief executive officer shall submit said ordinance or act to the qualified electors of said corporation at the next succeeding general municipal election, and if, at said election, a majority of the electors voting thereon shall not vote for the same, it shall thereupon stand repealed.

Sec. 4. (e.) When such a petition demands an amendment to a charter, the chief executive shall submit such amendment to the qualified electors of said municipal corporation at the next election of any officers of said corporation, and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said charter, when approved by the Governor and filed in the same manner and form as an original charter is required by the provisions of this article to be approved and filed.

#### Franchises.

Sec. 5. (a.) No municipal corporation shall ever grant, extend, or renew a franchise, without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election; and the legislative body of any such corporation may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than twenty-five years.

Sec. 5. (b.) Whenever a petition signed by a number of qualified electors of any municipal corporation equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal

election, demanding that a franchise be granted, extended, or renewed, shall be filed with the chief executive officer of said corporation, the chief executive officer shall, within ten days thereafter, call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended, or renewed, and if, at said election, a majority of the said electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the proper authorities at the next succeeding regular meeting of the legislative body of the city.

Sec. 6. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said corporation.

Sec. 7. No grant, extension, or renewal of any franchise or other use of the streets, alleys or other public grounds or ways of any municipality, shall divest the State, or any of its subordinate subdivisions, of their control and regulation of such use and enjoyment.

Nor shall the power to regulate the charges for public services be surrendered; and no exclusive franchise shall ever be granted.

#### ARTICLE 19.

##### Insurance.

Section 1. No foreign insurance company shall be granted a license or permitted to do business in this State until it shall have complied with the laws of the State, including the deposit of such collateral or indemnity for the protection of its patrons within this State as may be prescribed by law, and shall agree to pay all such taxes and fees as may at any time be imposed by law or act of the Legislature on foreign insurance companies, and a refusal to pay such taxes or fees shall work a forfeiture of such license.

Sec. 2. Until otherwise provided by law, all foreign insurance companies, including surety and bond companies, doing business in the State, except fraternal insurance companies, shall pay to the Insurance Commissioner for the use of the State, an entrance fee as follows:

Each Foreign Life Insurance Company, per annum, two hundred dollars; each Foreign Fire Insurance Company, per annum, one hundred dollars; each Foreign Accident and Health Insurance Company, jointly, per annum, one hundred dollars; each Surety and Bond Company, per annum, one hundred and fifty dollars; each Plate Glass Insurance Company, (not accident), per annum, twenty-five dollars; each Foreign Live Stock Insurance Company, per annum, twenty-five dollars.

Until otherwise provided by law, domestic companies excepted, each insurance company, including surety and bond companies, doing business in this State, shall pay an annual tax of two per cent on all premiums collected in the State, after all cancellations are deducted, and a tax of three dollars on each local agent.

Sec. 3. The revenue and tax provisions of this Constitution shall not include, but the State shall provide for, the following classes of insurance organizations not conducted for profit, and insuring only their own members:

First, farm companies insuring farm property and products thereon; second, Trades Insurance Companies insuring the property and interest of one line of business; third, Fraternal Life, Health, and Accident Insurance in Fraternal and Civic Orders, and in all of which the interests of the members of each respectively shall be uniform and mutual.

Sec. 4. All fees collected by the Insurance Commissioner shall be paid to the State Treasurer monthly.



**ARTICLE 20.****Manufacture and Commerce.**

Section 1. Nothing herein shall prevent the manufacture or sale of denaturalized alcohol under such regulations as may be prescribed by law.

Sec. 2. Until changed by the Legislature, the flash test provided for under the laws of Oklahoma Territory for all kerosene oil for illuminating purposes shall be one hundred and fifteen degrees Fahrenheit; and the specific gravity test for all such oil, shall be forty degrees Baume.

**ARTICLE 21.****Public Institutions.**

Section 1. Educational, reformatory, and penal institutions and those for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

**ARTICLE 22.****Alien and Corporate Ownership of Lands.**

Section 1. No alien or person who is not a citizen of the United States, shall acquire title to or own land in this State, and the Legislature shall enact laws whereby all persons not citizens of the United States and their heirs, who may hereafter acquire real estate in this State by devise, descent, or otherwise, shall dispose of the same within five years upon condition of escheat or forfeiture to the State: Provided, This shall not apply to Indians born within the United States, nor to aliens or persons not citizens of the United States who may become bona fide residents of this State: And Provided Further, That this section shall not apply to lands now owned by aliens in this State.

Sec. 2. No corporation shall be created or licensed in this State for the purpose of buying, acquiring, trading, or dealing in real estate other than real estate located in incorporated cities and towns and as additions thereto; nor shall any corporation doing business in this State buy, acquire, trade, or deal in real estate for any purpose except such as may be located in such towns and cities and as additions to such towns and cities, and further except such as shall be necessary and proper for carrying on the business for which it was chartered or licensed; nor shall any corporation be created or licensed to do business in this State for the purpose of acting as agent in buying and selling land: Provided, However, That corporations shall not be precluded from taking mortgages on real estate for debt and acquiring title thereto in the collection of debts, conditioned that such corporation or corporations shall not hold such real estate for a longer period than five years after acquiring such title: And Provided Further, That this section shall not apply to trust companies taking only the naked title to real estate or other property in this State as a trustee, solely for the execution of a trust or security for indebtedness pursuant to such trust: And Provided Further, That no public service corporation shall hold any land, or the title thereof, in any way whatever in this State, except as the same shall be necessary for the transaction and operation of its business as such public service corporation.

**ARTICLE 23.****Miscellaneous.****Labor.**

Section 1. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

**Convict Labor.**

Sec. 2. The contracting of convict labor is hereby prohibited.

**Child Labor.**

Sec. 3. The employment of children, under the age of fifteen years, in

any occupation, injurious to health or morals or especially hazardous to life or limb is hereby prohibited.

Sec. 4. Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines in the State.

Sec. 5. The Legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

#### Contributory Negligence.

Section 1. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

#### Personal Injuries.

Section 1. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

#### Waiver of Rights.

Section 1. Any provision of a contract, express or implied, made by any person, by which any of the benefits of this Constitution, or of any law in accordance therewith, is sought to be waived, shall be null and void.

Sec. 2. Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

#### Change in Salary or Emoluments.

Section 1. Except wherein otherwise provided in this Constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was selected or appointed: Provided, That all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

#### Definition of Races.

Wherever in this Constitution and laws of this State, the word or words, "colored" or "colored race," "negro" or "negro race," are used, the same shall be construed to mean or apply to all persons of African descent. The term "white race" shall include all other persons.

#### ARTICLE 24.

Section 1. And amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the Legislature, by a two-thirds vote of each house, shall order a special election for that purpose. If a majority of all the electors voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this Constitution. If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

Sec. 2. No convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special

election, and any amendments, alterations, revisions, or new Constitution, proposed by such convention, shall be submitted to the electors of the State at a general or special election and be approved by a majority of the electors voting thereon, before the same shall become effective; Provided, That the question of such proposed convention shall be submitted to the people at least once in every twenty years.

Sec. 3. This article shall not impair the right of the people to amend this Constitution by a vote upon an initiative petition therefor.

#### SCHEDULE.

In order that no inconvenience may arise by reason of a change from the forms of government now existing in the Indian Territory and in the Territory of Oklahoma, it is hereby declared as follows:

Section 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by the change in the forms of government, but all shall continue as if no change in the forms of government had taken place. And all processes which may have been issued previous to the admission of the State into the Union under the authority of the Territory of Oklahoma or under the authority of the laws in force in the Indian Territory shall be as valid as if issued in the name of the State.

Sec. 2. All laws in force in the Territory of Oklahoma at the time of the admission of the State into the Union, which are not repugnant to this Constitution and which are not locally inapplicable, shall be extended to and remain in force in the State of Oklahoma until they expire by their own limitation or are altered or repealed by law.

Sec. 3. All debts, fines, penalties, and forfeitures which have accrued or may hereafter accrue to the Territory of Oklahoma shall inure to the State of Oklahoma and may be sued for and recovered by the State.

Sec. 4. This Constitution shall take effect and be in full force immediately upon the admission of the State into the Union.

Sec. 5. Until otherwise provided by law, notaries public appointed under the laws of the Territory of Oklahoma, or under the authority of the laws heretofore in force in the Indian Territory, may continue to exercise and perform the duties of the office of notary public until the expiration of their commissions: Provided, That any notary public appointed in the Indian Territory for any district, or in the Territory of Oklahoma for any county, shall, after this Constitution takes effect, exercise the powers, privileges, and rights of a notary public only of the county formed in whole or in part out of the district or county for which such person is a notary public, and in which such person resides at the time the State is admitted into the Union; but before any such notary public, except notaries public for those counties in the Territory of Oklahoma, the boundaries of which have not been changed by the Constitution, shall exercise the powers, privileges, and rights of a notary public of such county, he shall have filed in the office of the county clerk of the county in which he resides his commission as notary public and an affidavit stating that he is a resident of such county, whereupon he shall become a notary public for such county.

Sec. 6. The appointments of female persons as notaries public, heretofore made by the Governor of Oklahoma, and by the United States courts for the Indian Territory, and by the judges of said courts, are hereby confirmed and made valid, and all official acts of such notaries public heretofore performed are hereby validated, in so far as the acts of such notaries public may be affected by any ineligibility of such persons to appointment as notaries public. Female persons possessing the other qualifications prescribed by law shall be eligible to the office of notary public in the State of Oklahoma.

Sec. 7. All property, real and personal, credits, claims, and choses in



action, belonging to the Territory of Oklahoma at the time the State is admitted into the Union, shall be vested in and become the property of the State of Oklahoma.

Sec. 8. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting the title to real and personal property in the Indian Territory and Osage Indian Reservation, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma extended in force in the State, as they were under the laws heretofore in force in the Indian Territory and Osage Indian Reservation.

Sec. 9. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting title to real and personal property in new counties that have been created out of the Territory of any county or counties of the Territory of Oklahoma, or out of the Territory of any county or counties of the Territory of Oklahoma, and of any recording district or districts of the Indian Territory, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma, extended in force in the State, as the same would have been if no changes had been made by the provisions of this Constitution in the boundaries of the counties as they existed in the Territory of Oklahoma, or of the boundaries of the recording districts as they existed in the Indian Territory.

Sec. 10. Until otherwise provided by law, incorporated cities and towns, heretofore incorporated under the laws in force in the Territory of Oklahoma or in the Indian Territory, shall continue their corporate existence under the laws extended in force in the State, and all officers of such municipal corporation at the time of the admission of the State into the Union shall perform the duties of their respective offices under the laws extended in force in the State, until their successors are elected and qualified in the manner that is or may be provided by law: Provided, That all valid ordinances now in force in such incorporated cities and towns shall continue in force until altered, amended, or repealed.

Sec. 11. All taxes assessed or due to incorporated cities and towns in the Indian Territory, and all taxes levied by such incorporated cities and towns for the year nineteen hundred and seven shall, until otherwise provided by law, be levied and collected in the same manner as now provided by law in force in the Indian Territory, and under the laws and ordinances now in force in such municipal corporations.

Sec. 12. In all incorporated cities and towns in the Indian Territory, as to all local improvements or public buildings in process of being made or constructed under the laws in force in the Indian Territory, or for which proceedings have been commenced under such laws at the time of the admission of the State into the Union, shall be completed under said laws, and said laws are hereby extended in force as to such improvements of public buildings until such local improvements of public buildings are completed and paid for, as by such laws provided.

Sec. 13. The Act of Congress entitled "An Act for the Protection of the Lives of Miners in the Territories," approved March 3, 1891, and the Act of Congress entitled "An Act to Amend an Act entitled 'An Act for the Protection of the Lives of Miners in the Territories,'" approved July 1, 1902, are hereby extended to and over the State of Oklahoma until otherwise provided by law: Provided, That the words, Governor of the State, are hereby substituted for the words, "Governor of such organized territory," and for the words, "Secretary of Interior," wherever the same appear in said Acts, and the words Chief Mine Inspector, for the words, "Mine Inspector," wherever the same appear in said Acts. The Chief Mine

Inspector shall also perform the duties required by laws of the Territory of Oklahoma of the Territorial Oil Inspector until otherwise provided by law.

Sec. 14. Until otherwise provided by law, all dental surgeons licensed to practice in the Territory of Oklahoma and all dental surgeons who were residents of the Indian Territory on the sixteenth day of June, nineteen hundred and six, and who are graduates of some reputable school or college of dental surgery, shall be eligible and be licensed to practice in the State without examination.

Sec. 15. Until otherwise provided by law, the officers of the State shall receive annually as compensation for their services, the following sums:

The Governor, four thousand, five hundred dollars; Lieutenant Governor, one thousand dollars; Secretary of State, two thousand, five hundred dollars; Attorney General, four thousand dollars; State Treasurer, three thousand dollars; State Auditor, two thousand, five hundred dollars; State Examiner and Inspector, three thousand dollars; Chief Mine Inspector, three thousand dollars; Labor Commissioner, two thousand dollars; Commissioner of Charities and Corrections, one thousand, five hundred dollars; Corporation Commissioners, four thousand dollars each; Superintendent of Public Instruction, two thousand, five hundred dollars; the Insurance Commissioner, two thousand, five hundred dollars.

Sec. 16. The salary of the Justices of the Supreme Court of the State shall be four thousand dollars per annum, each, and that of the Judges of the District Court three thousand dollars per annum, each, until changed by the Legislature.

Sec. 17. The members of the Board of Agriculture, Bank Commissioner, Clerk of the Supreme Court, and all other State officers, except as herein provided, or such as may be created, and all clerks and assistants, shall receive such compensation for their services as may be provided by law.

Sec. 18. Until otherwise provided by law, the terms, duties, powers, qualifications, and salary and compensation of all county and township officers, not otherwise provided by this Constitution, shall be as now provided by the laws of the Territory of Oklahoma for like named officers, and the duties and compensation of the probate judge under such laws shall devolve upon and belong to the judge of the county court: Provided, That the term of office of those elected at the time of the adoption of this Constitution, or first appointed under the provisions of the laws extended in force in the State, shall expire on the second Monday of January in the year nineteen hundred and eleven: And Provided Further, That county attorneys and judges of the county court of the several counties of the State, having a population of more than twenty thousand shall be paid a salary of two thousand dollars per annum; and of counties having a population of more than thirty thousand, a salary of twenty-five hundred dollars per annum; and of counties having a population of more than forty thousand, a salary of three thousand dollars per annum; such salaries to be paid in the same manner as is provided by law in force in the Territory of Oklahoma for the payment of salaries to county attorneys.

Sec. 19. Until otherwise provided by law, the boards of regents of the University of Oklahoma, of the Agricultural and Mechanical College, of the Normal Schools now established, of the University Preparatory School, and of the Colored Agricultural Normal University, shall continue to hold their offices and exercise the functions thereof until their successors are elected or appointed and qualified.

Sec. 20. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any county existing in the Territory of Oklahoma between such county and any

new county or counties created in whole or in part out of the territory of such county.

Sec. 21. All property, real and personal, and credits, claims, and choses in action, belonging to the county of Day at the time of the admission of the State into the Union, shall be vested in and become the property of the county of Ellis: Provided, The Legislature shall provide, by general, special, or local law, for the equitable division of the assets of Day County, thus transferred to Ellis County and of the liabilities of Day County, between the Counties of Roger Mills and Ellis.

Sec. 22. The Clerk of the Supreme Court shall procure a seal and cause such inscription to be placed thereon as may be prescribed by the Supreme Court. Each clerk of the District Court shall procure a seal, and, under the direction of the Judge of the District Court, cause to be inscribed thereon the style of his office and the name of his county. Each County Clerk, County Treasurer, Register of Deeds, County Surveyor, and County Superintendent of Public Instruction, shall procure a seal, and, under the direction of the County Judge, cause to be inscribed thereon the style of his office and name of his county. Said seals shall be sufficient and used for all lawful purposes until otherwise provided by law: Provided, That, until any of such officers shall have procured a seal, the signature of any such officer shall be sufficient for all purposes without a seal.

Sec. 23. When this Constitution shall go into effect, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration and guardianship, and other matters pending therein, shall be transferred to the county court of such county, except of Day County, which shall be transferred to the county court of Ellis County, and the county courts of the respective counties shall proceed to final decree or judgment, order, or other termination in the said several matters and causes as the said probate court might have done if this Constitution had not been adopted. The District Court of any county, the successor of the United States Court for the Indian Territory, in each of the counties formed in whole or in part in the Indian Territory, shall transfer to the county court of such county all matters, proceedings, records, books, papers, and documents appertaining to all causes or proceedings relating to estates: Provided, That the Legislature may provide for the transfer of any of said matters and causes to another county than herein prescribed.

Sec. 24. Until otherwise provided by law, the seal of the probate courts in the counties of the Territory of Oklahoma shall be the seal of the county courts, and in that part of the State heretofore comprising the Indian Territory and Osage Indian Reservation, and in the new counties created in the Territory of Oklahoma, until the county court shall have procured a proper seal, the signature of the county judge shall be sufficient for all purposes without a seal.

Sec. 25. Any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, that shall owe, at the time of the admission of the State into the Union any indebtedness, evidenced by warrants, script, or other evidence of indebtedness, is authorized, through the proper officers thereof, to make provision for the payment of, and to pay, such indebtedness, either by tax levy or by issuing bonds in lieu thereof, in accordance with and under the provision of the laws extended in force in the State: Provided, That the limitation upon the amount of indebtedness that may be created by any county, city, incorporated town, township, board of education, school district, or other municipality, and upon the amount of taxes that may be levied by any county, city, incorporated town, town-



ship, board of education, school district, or other municipality, under the provisions of this Constitution, or of law, shall not apply to the indebtedness the levying of taxes, and the issuing of bonds provided for herein.

Sec. 26. All cases, civil and criminal, pending, upon the admission of the State into the Union, in the Supreme Court of the Territory of Oklahoma, on appeal or writ of error, from the district or probate courts of any county or subdivision within the limits of the State, and the papers, records, proceedings, and seal of said court shall be transferred to the Supreme Court of the State, except as is otherwise provided in the Enabling Act of Congress. And all cases, civil and criminal, pending, on the admission of the State into the Union, in the United States Court of Appeals for the Indian Territory, and the papers, records, and proceedings of said court, shall be transferred to the Supreme Court of the State, except as is otherwise provided by the Enabling Act of Congress and the amendments thereto.

Sec. 27. All cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the District Courts of the Territory of Oklahoma, in any county within the district, and the records, papers, and proceedings of said District Court, and the seal and other property appertaining thereto, shall be transferred into the District Court of the State for such county, except as is provided in the Enabling Act of Congress, and all cases, civil and criminal, pending, at the time of the admission of the State into the Union, in the United States Court for the Indian Territory, within the limits of any county created in whole or in part within the limits of what was heretofore the Indian Territory, and all records, papers, and proceedings of said United States Courts for the Indian Territory, and the seal and other property appertaining thereto shall be transferred to the District Court of the State for such county, except as is provided in the Enabling Act of Congress and the amendments thereto: Provided, That the Legislature may provide for the transfer of any such cases from one county to another county.

Sec. 28. The terms and provisions of an Act of Congress, entitled "An Act to Amend Section Sixteen, Seventeen and Twenty, of an Act entitled 'An Act to Enable the People of Oklahoma and Indian Territory to form a Constitution and State government and be admitted into the Union on an equal footing with the original states; and to enable the people of New Mexico and Arizona to form a Constitution and State government and be admitted into the Union on an equal footing with the original states,'" are hereby accepted, and the jurisdiction of the cases enumerated therein is hereby assumed by the Courts of the State.

Sec. 29. Any person who shall be a qualified elector of any county or a judicial district at the time of the election held to ratify this Constitution, and who shall, in all other respects, be eligible under the provisions of the Constitution, to be elected judge of the District Court of such district, shall be eligible to be elected judge of the District Court of such district at the first election held for the election of State officers.

Sec. 30. Any person who shall have been a resident of the territory within the limits of the State for a period of one year next preceding the date on which the election for the ratification of the Constitution is held, and who shall otherwise be eligible, under the provisions of this Constitution, to be elected to any State office, shall be eligible to be elected to any such State office at the first election held for the election of State officers.

Sec. 31. The assessment of property in the Osage Indian Reservation for the year nineteen hundred seven, by the authorities of Pawnee County, shall be the assessment of Osage County for the year nineteen hundred seven, and the proper authorities of Pawnee County shall levy a tax on the

property of the Osage Indian Reservation for the year nineteen hundred and seven, as now provided by law, and immediately upon the admission of the State into the Union, the county treasurer of Pawnee County shall turn over to the county treasurer of Osage County the tax books and records of taxes in the Osage Indian Reservation, so made for the year nineteen hundred seven, and the treasurer of Osage County shall proceed and have the authority to receive all such taxes in the Osage Indian Reservation for the year nineteen hundred seven, and such taxes shall be collected and enforced in the manner provided by law. And there shall also be collected, in addition to the tax so levied by the authorities of Pawnee County, a county school tax of ten mills on the dollar of the assessed valuation, and the same shall be and become the property of the said Osage County: Provided, That, out of the funds so collected, the county treasurer of Osage County shall pay to the county treasurer of Pawnee County the costs and expenses of making such assessment and the levying of such taxes.

Sec. 32. The Legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any school district existing in the Territory of Oklahoma between such school district and any new school district created in whole or in part out of the territory of any such school district, as may be affected by a change in the county boundaries under this Constitution.

Sec. 33. All attorneys-at-law licensed to practice in any court of record of the Territory of Oklahoma, or in any of the United States Courts for the Indian Territory, or any court of record of any of the five Civilized Tribes, shall be eligible to practice in any court of the State without examination.

Sec. 34. Until otherwise provided by law, any newspaper, published at the time of the admission of the State into the Union, in any new county, created in whole or in part out of the territory of any county of Oklahoma Territory, or in any county, created in whole or in part, out of territory within the limits of the Indian Territory or Osage Reservation, shall, under the laws extended in force in the State, be considered, in law, to have been published continuously for fifty-two weeks in said county and shall be a newspaper entitled to publish all legal notices, advertisements, or publications of any kind required or provided by any law of the State.

Sec. 35. All debts and indebtedness, authorized to be incurred by the Constitutional Convention of the proposed State of Oklahoma, and all expenses of holding the election for the ratification or rejection of this Constitution and for the election of officers of a full state government, which shall remain unpaid after the appropriation made by the Congress of the United States has been exhausted, are hereby assumed by the State; and it is hereby made the duty of the Legislature, at its first session, to provide for the payment of same: Provided, That the debts and indebtedness, the payment of which is hereby assumed by the State, shall not include any debt or expense as a salary or compensation of the delegates to the Constitutional Convention.

Sec. 36. The Ordinance adopted by the Constitutional Convention, entitled, "An Ordinance, providing for an election, at which the proposed Constitution of the proposed State of Oklahoma, shall be submitted to the people thereof for ratification or rejection, and submitting separately to the people of the proposed State of Oklahoma the proposed prohibition article, making the terms of the Enabling Act uniformly applicable to the entire State, for ratification or rejection, and for the election of certain state, district, county and township officers created by such proposed Constitution, and for the election of members of the Legislature and for five Representatives to Congress," is hereby ratified and shall be valid for all the purposes thereof.

Sec. 37. Nothing in this Constitution contained shall legalize or make valid any illegal or invalid indebtedness of any county, city, incorporated town, township, board of education, school district or other municipality, either in the Territory of Oklahoma or the Indian Territory, no impair any defense against the payment of the same.

Sec. 38. Should the first session of the Legislature, provided by this Constitution, fail to provide for the division of the property, assets and liabilities of any county existing in the Territory of Oklahoma between such county or counties created in whole or in part out of such county original jurisdiction is hereby conferred upon the Supreme Court to make equitable division of such property, assets and liabilities, and for the purpose of hearing and receiving evidence and reporting findings of law and fact may appoint a special Master in Chancery in any such case.

Sec. 39. The qualifications prescribed by the laws of Oklahoma shall not apply to Superintendents of Public Instruction, elected at the time of the ratification of this Constitution, in the Indian Territory and Osage Indian Reservatio.

Sec. 40. When this Constitution shall have been ratified by the people of the State of Oklahoma and the State admitted into the Federal Union, under the same, as engrossed on parchment and signed by the officers and members of this Constitutional Convention, it shall be filed in the office of the Secretary of State and sacredly preserved by him; as the fundamental law of the State of Oklahoma.

#### Accepting Enabling Act.

Be it Ordained by the Constitutional Convention for the proposed State of Oklahoma, that said Constitutional Convention do, by this ordinance irrevocable, accept the terms and conditions of an Act of the Congress of the United States, entitled, "An Act to Enable the People of Oklahoma and the Indian Territory to form a Constitution and State Government and be admitted into the Union on an equal footing with the original states; and, to Enable the People of New Mexico and of Arizona to form a Constitution and State Government and be admitted into the Union on an equal footing with the original states," approved June the Sixteenth, Anno Domini, Nineteen Hundred and Six.

Done in open convention at the city of Guthrie, in the Territory of Oklahoma, on this the nineteenth day of April, in the year of our Lord one thousand nine hundred and seven and the one hundred and thirty-first anniversary of the independence of the United States of America.

WM. H. MURRAY,

President of the Constitutional Convention of the Proposed State of Oklahoma and Delegate from District No. 104.

JOHN M. YOUNG, Secretary.

(Seal.)

Attest: CHAS. H. FILSON, Secretary of the Territory of Oklahoma.

A resolution making the terms of the Enabling Act uniformly applicable to the entire State.

The manufacture, sale, barter, giving away, or otherwise furnishing except as hereinafter provided, of intoxicating liquors within this State, or any part thereof, is prohibited for a period of twenty-one years from the date of the admission of the State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this Constitution and proper state legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away or otherwise furnish any intoxicating liquor of any kind, including beer, ale and wine, contrary to the provisions of this section, or who shall, within this State advertise for sale



or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from one place within this State to another place therein, except the conveyance of a lawful purchase as herein authorized, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: Provided, That the Legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than two thousand population in this State; and if there be no incorporated town of two thousand population in any county in this State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes, and for the sale, for industrial purposes, of alcohol, which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes of such institutions, universities and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of a special tax required of liquor dealers by the United States, and the payment of such special tax by any person within this State shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing, setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as herein above provided unless such statement shall be accompanied by a bona fide prescription signed by a regularly practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of the state at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which, after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency, who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of the State into the Union, these provisions shall be immediately enforceable in the courts of the State: Provided. That there shall be submitted separate at the same elections at which this Constitution is submitted for ratification or rejection, and on the same ballot, the foregoing Article —, entitled "Prohibition," on which ballot shall be printed For State-Wide Prohibition and against State-Wide Prohibition: And, Provided Further, That if a majority of the votes cast for and against state-wide prohibition are for state-wide prohibition, then said Article — shall be and form a part of this Constitution and be in full force and effect as such, as provided therein; but if a majority of said votes shall be against state-wide prohibition, then the provisions of said article shall not form a part of this Constitution and shall be null and void. If a majority of the votes cast for or against state-wide prohibition are for state-wide prohibition, then said Article —, entitled "State-Wide Prohibition," shall be and form a part of the proposed Constitution.

# Delegates to the Constitutional Convention

President, William H. Murray (Democrat) Tishomingo

## A

Henry E. Asp (republican) ..... Guthrie, Okla.  
J. A. Alderson (democrat) ..... Pond Creek, Okla.  
L. J. Akers, (democrat) ..... Woodford, I. T.  
R. J. Allen (democrat) ..... Duncan, I. T.

## B

O. P. Brewer (democrat) ..... Webber Falls, I. T.  
Charles W. Board (democrat) ..... Okmulgee, I. T.  
George N. Bilby (democrat) ..... Alva, Okla.  
J. S. Buchanan (democrat) ..... Norman, Okla.  
G. M. Berry (democrat) ..... Pawnee, Okla.  
J. A. Baker (democrat) ..... Wewoka, I. T.  
C. H. Bowers (democrat) ..... Cement, Okla.  
W. E. Banks, (democrat) ..... Hess, Okla.  
B. E. Bryant (democrat) ..... Gotebo, Okla.

## C

Henry L. Cloud (republican) ..... Wellston, Okla.  
Homer P. Covey (republican) ..... Fargo, Okla.  
Albert G. Cochran (democrat) ..... Hartshorne, I. T.  
John M. Carr (democrat) ..... Frederick, Okla.  
J. H. N. Cobb (republican) ..... Sapulpa, I. T.  
W. J. Caudill (democrat) ..... Hobart, Okla.  
J. J. Curl (democrat) ..... Bartlesville, I. T.  
J. J. Carney (Democrat) ..... El Reno, Okla.  
W. A. Cain (republican) ..... Oktaha, I. T.  
Riley Copeland (democrat) ..... Fairland, I. T.  
James H. Chambers (democrat) ..... Atoka, I. T.

## D

W. T. Dalton (democrat) ..... Broken Arrow, I. T.  
W. S. Dearing (democrat) ..... Thomas, Okla.

## E

Albert H. Ellis (democrat) ..... Orlando, Okla.  
William H. Edley (democrat) ..... Fletcher, Okla.  
J. T. Edmonson (democrat) ..... Postoffice, Mayesville, Ark.

## F

C. O. Frye (republican) ..... Sallisaw, I. T.  
Charles C. Fisher (democrat) ..... Hinton, Okla.

## G

J. C. Graham (democrat) ..... Marietta, I. T.  
Neil B. Gardner (democrat) ..... Stigler, I. T.

**H**

Peter Hanraty (democrat)	McAlester, I. T.
S. W. Hayes (democrat)	Chickasha, I. T.
W. L. Helton (democrat)	Marshall, Okla.
W. T. S. Hunt (democrat)	Oklahoma City, Okla.
George A. Henshaw (democrat)	Madill, I. T.
William F. Hendricks (democrat)	Wakita, Okla.
J. K. Hill (democrat)	Catoosa, I. T.
John B. Harrison (democrat)	Sayre, Okla.
James A. Harris (republican)	Wagoner, I. T.
A. L. Hausam (democrat)	Coweta, I. T.
E. T. Hueston (republican)	Agra, Okla.
F. E. Herring (democrat)	Busch, Okla.
W. D. Humphrey (democrat)	Nowata, I. T.
D. G. Harned (democrat)	Ringwood, Okla.
C. N. Haskell (democrat)	Muskogee, I. T.
Ben F. Harrison (democrat)	Calvin, I. T.
William B. Hudson (republican)	Henryetta, I. T.
David S. Hogg (democrat)	Grand, Okla.
Philip B. Hopkins (republican)	Muskogee, I. T.
W. C. Hughes (democrat)	Oklahoma City, Okla.

**I**

Henry S. Johnston (democrat)	Perry, Okla.
T. O. James (democrat)	Guyman, Okla.
C. Jones (democrat)	Ryan, I. T.
W. D. Jenkins (republican)	Guthrie, Okla.

**K**

J. F. King (democrat)	Newkirk, Okla.
Henry Kelly (democrat)	Minco, I. T.
M. J. Kane (democrat)	Kingfisher, Okla.
W. H. Kornegay (democrat)	Vinita, I. T.

**L**

J. Howard Langley (democrat)	Pryor Creek, I. T.
T. J. Leahy (democrat)	Pawhuska, I. T.
W. A. Ledbetter (democrat)	Ardmore, I. T.
J. S. Latimer (democrat)	Wilburton, I. T.
B. F. Lee (democrat)	Hugo, I. T.
William C. Leidtke (democrat)	Eufaula, I. T.
C. S. Leeper (democrat)	Sulphur, I. T.
Isaac B. Littleton (democrat)	Earlsboro, Okla.
W. N. Littlejohn (democrat)	Brushy, I. T.
Milas Lasater (democrat)	Pauls Valley, I. T.

**M.**

William H. Murray (democrat)	Tishomingo, I. T.
John L. Mitch (democrat)	Oklahoma City, Okla.
Freeman J. McClure (democrat)	Lukfata, I. T.



E. F. Messenger (democrat)	Holdenville, I. T.
Charles L. Moore (democrat)	Enid, Okla.
C. C. Mathis (democrat)	Monroe, I. T.
James H. Maxey (democrat)	Shawnee, Okla.
John C. Majors (democrat)	Granton, Okla.
E. O. McCance (democrat)	Mutual, Okla.
C. M. McClain (democrat)	Purcell, I. T.

## N

J. K. Norton (democrat)	Piedmont, Okla.
E. G. Newell (democrat)	Yale, Okla.
Flowers Nelson (democrat)	Tulsa, I. T.

## P

Gabe E. Parker (democrat)	Academy, I. T.
Charles H. Pitman (democrat)	Enid, Okla.

## Q

J. J. Quarles (democrat)	Fairfax, Okla.
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## R

David S. Rose (democrat)	Blackwell, Okla.
S. M. Ramsey (democrat)	Tecumseh, I. T.
C. V. Rogers (democrat)	Claremore, I. T.
Thad D. Rice (democrat)	Hitchcock, Okla.
Luke Roberts (democrat)	Olustee, Okla.

## S

E. T. Sorrels (democrat)	Milton, I. T.
J. J. Savage (democrat)	McKnight, Okla.
J. E. Sater (republican)	Stillwater, Okla.
F. J. Stowe (democrat)	Wynnewood, I. T.
Joel M. Sandlin (democrat)	Prague, Okla.
J. W. Swarts (democrat)	Chelsa, I. T.

## T

J. B. Tosh (democrat)	Hobart, Okla.
G. M. Tucker (democrat)	Comanche, I. T.
H. G. Turner (democrat)	Brush Hill, I. T.
H. O. Tener (democrat)	Taloga, Okla.
Fred C. Tracy (democrat)	Beaver, Okla.

## W

T. C. Wyatt (democrat)	Wanette, I. T.
R. L. Williams (democrat)	Durant, I. T.
Don P. Wills (democrat)	Miami, I. T.
A. S. Wyly (democrat)	Tahlequah, I. T.
Carlton Weaver (democrat)	Ada, I. T.
E. R. Williams (democrat)	Stockholm, Okla.
J. I. Wood (democrat)	Scipio, I. T.
George W. Wood (democrat)	Cherokee, Okla.
Boone Williams (democrat)	Lehigh, I. T.

# COUNTIES AND COUNTY SEATS

## .....IN THE.....

### PROPOSED NEW STATE.

Adair . . . . . Westville  
 Alfalfa . . . . . Cherokee  
 Atoka . . . . . Atoka  
 Beaver . . . . . Beaver  
 Beckham . . . . . Sayre  
 Blaine . . . . . Watonga  
 Bryan . . . . . Durant  
 Canadian . . . . . El Reno  
 Caddo . . . . . Anadarko  
 Carter . . . . . Ardmore  
 Cherokee . . . . . Tahlequah  
 Choctaw . . . . . Hugo  
 Cimarron . . . . . Kenton  
 Cleveland . . . . . Norman  
 Coal . . . . . Lehigh  
 Comanche . . . . . Lawton  
 Craig . . . . . Vinita  
 Creek . . . . . Sapulpa  
 Custer . . . . . Arapahoe  
 Delaware . . . . . Grove  
 Dewey . . . . . Taloga  
 Ellis . . . . . Grand  
 Garvin . . . . . Pauls Valley  
 Grady . . . . . Chickasha  
 Grant . . . . . Pond Creek  
 Greer . . . . . Mangum  
 Garfield . . . . . Enid  
 Harper . . . . . Buffalo  
 Haskell . . . . . Stigler  
 Hughes . . . . . Holdenville  
 Jackson . . . . . Altus  
 Jefferson . . . . . Ryan  
 Johnston . . . . . Tishomingo  
 Kay . . . . . Newkirk  
 Kingfisher . . . . . Kingfisher  
 Kiowa . . . . . Hobart  
 Latimer . . . . . Wilburton

Leflore . . . . . Poteau  
 Love . . . . . Marietta  
 Lincoln . . . . . Chandler  
 Logan . . . . . Guthrie  
 Marshall . . . . . Madill  
 Major . . . . . Fairview  
 Mayes . . . . . Pryor Creek  
 McClain . . . . . Purcell  
 McCurtain . . . . . Idabel  
 McIntosh . . . . . Checotah  
 Murray . . . . . Sulphur  
 Muskogee . . . . . Muskogee  
 Noble . . . . . Perry  
 Nowata . . . . . Nowata  
 Okfuskee . . . . . Okemah  
 Oklahoma . . . . . Oklahoma  
 Okmulgee . . . . . Okmulgee  
 Osage . . . . . Pawhuska  
 Ottawa . . . . . Miami  
 Pawnee . . . . . Pawnee  
 Payne . . . . . Stillwater  
 Pittsburg . . . . . McAlester  
 Pontotoc . . . . . Ada  
 Pottawatomie . . . . . Tecumseh  
 Pushmataha . . . . . Antlers  
 Roger Mills . . . . . Cheyenne  
 Rogers . . . . . Claremore  
 Seminole . . . . . Wewoka  
 Sequoyah . . . . . Sallisaw  
 Stephens . . . . . Duncan  
 Texas . . . . . Guymon  
 Tillman . . . . . Frederick  
 Tulsa . . . . . Tulsa  
 Wagoner . . . . . Wagoner  
 Washington . . . . . Bartlesville  
 Washita . . . . . Cordell  
 Woods . . . . . Alva  
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